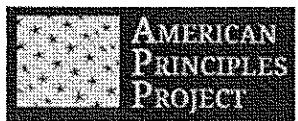
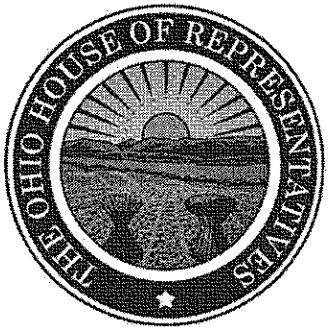


State Representative
House District 95



THE BUCKEYE INSTITUTE



From: Thomas, AJ
Sent: Tuesday, May 15, 2018 9:34 AM
To: Thomas, AJ
Subject: RE: Deconstructing the Administrative State Luncheon

Make sure to respond by this Friday 5/18 for a free lunch! See below:

From: Thomas, AJ
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To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
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WHERE: 31st Fl. North Room

WHEN: Wednesday May 23rd from 11:00-12:15

WHO: All Members and Staff are invited

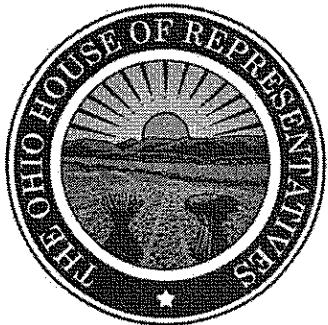
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Andy Thompson

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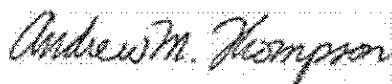
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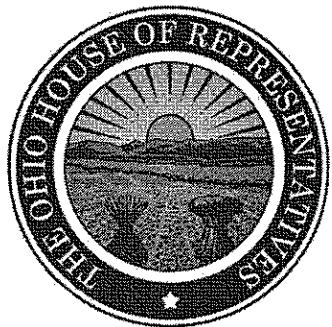
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AMERICAN
PRINCIPLES
PROJECT

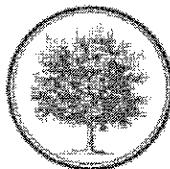


THE BUCKEYE INSTITUTE



AMERICANS FOR
PROSPERITY

From: The Buckeye Institute
Sent: Thursday, May 17, 2018 10:46 AM
To: Kasych, Shawn
Subject: The Buckeye Institute: Changes to Renewable Energy Mandate Risk Ohio's Economy



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
May 17, 2018

The Buckeye Institute: Changes to Renewable Energy Mandate Risk Ohio's Economy

Columbus, OH -- The Buckeye Institute issued the following statement on the changes made to the policies in House Bill 114.

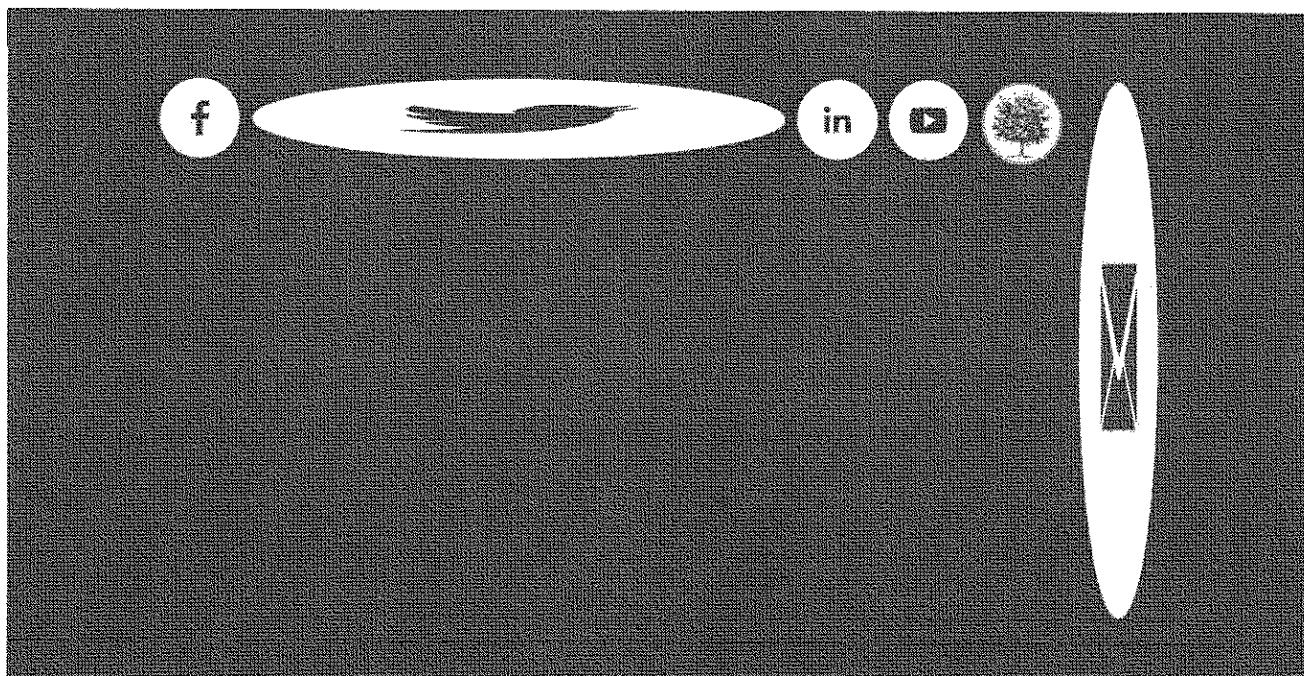
"For years Ohio consumers have been able to voluntarily pay to receive their energy from renewable sources and they should be allowed to continue to choose whatever energy source best meets their needs. They do not need the government forcing them to pay higher energy bills to pay for a forced mandate."

"With House Bill 114, the Ohio House of Representatives had wisely shifted Ohio away from government imposed renewable energy mandates. Unfortunately, the Senate has reinstated them. Although the Senate proposal reduces the forced mandates, the fact that they remain unduly **risks Ohio's economic growth** by continuing to allow a special interest subsidy at a time when we should be eliminating all subsidies."

#

Founded in 1989, The Buckeye Institute is an independent research and educational institution - a think tank - whose mission is to advance free-market public policy in the states.

The Buckeye Institute is a non-partisan, non-profit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations that share a commitment to individual liberty, free enterprise, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.



The Buckeye Institute, 88 East Broad Street,
Suite 1120, Columbus, OH 43215

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Sent by info@buckeyeinstitute.org

From: Flasher, Kim
Sent: Thursday, May 17, 2018 2:28 PM
To: Kasych, Shawn
Subject: Draft Travel Memo
Attachments: Travel Request Form 2015.docx

Memo to: All House Members
From: Shawn Kasych
Date: May 17, 2018
Re: Legislative Conferences Annual Meetings

As you may know, the Ohio General Assembly pays dues to several National Legislative Conferences such as NCSL, CSG, and ALEC. As these organizations begin holding their annual meetings, several of you may be interested in attending.

In the past, the House has allowed a limited number of Members to attend with a set expenditure reimbursement from the State permitted. This year, the House will approve any Member who would like to attend ONE national meeting and will cover the conference registration fees. The Member is liable for all remaining expenses. Such expenses may be covered through personal or campaign funds.

If you would like to register for one of the annual meetings, please complete the attached "Request for Travel Form" and return it to Kim Flasher in the Administrative Office.

If you have any questions, please feel free to contact me or Kim. Thank you.



TRAVEL REQUEST FORM

Traveler _____

Today's Date

I have attached a copy of the conference Itinerary and associated registration fees for review.

Conference _____

Conference

Location _____

Date Conference Begins _____

Date Conference Ends

Request to travel approved:
by:

Expenses to be reimbursed

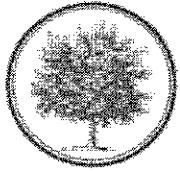
Representatives
Kim Flasher, Chief Administrative Officer

House of

Service Commission
Date

Legislative

From: The Buckeye Institute
Sent: Thursday, May 17, 2018 5:25 PM
To: Kasych, Shawn
Subject: The Buckeye Institute Reacts to HHS Determination that Ohio's 1332 Medicaid Waiver Application is Incomplete



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
May 17, 2018

The Buckeye Institute Reacts to HHS Determination that Ohio's 1332 Medicaid Waiver Application is Incomplete

Columbus, OH -- The Buckeye Institute issued the following statement on the Centers for Medicare and Medicaid Services' determination that Ohio's 1332 Medicaid waiver application was incomplete.

"It is disappointing that the federal government would deem **Ohio's 1332 Medicaid waiver application incomplete**. The Ohio application does not impact health coverage according to actuarial evidence. While Health and Human Services (HHS) told states it would work with them to use innovation waivers to ease the burden of the Affordable Care Act, in practice HHS has been inflexible. Its refusal to rescind Obama-era guidance regarding 1332's reinforces that message of inflexibility."

#

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Request to travel approved:
by:

Expenses to be reimbursed

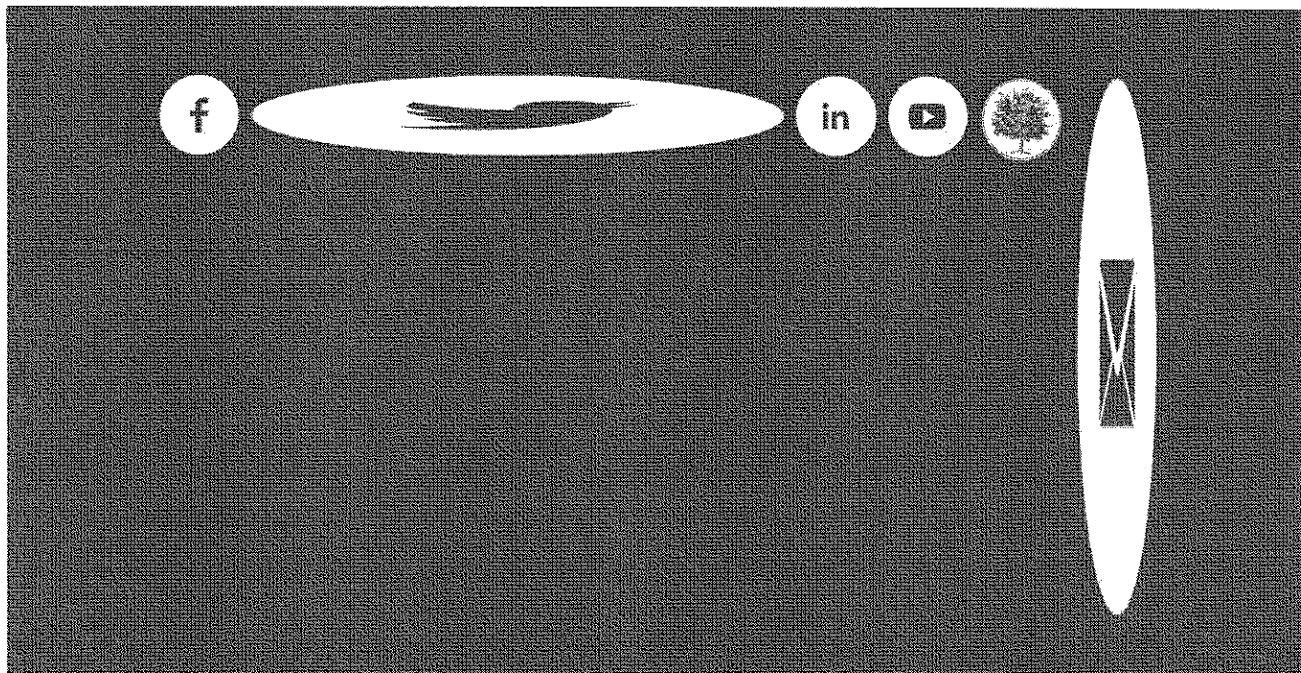
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Sent by info@buckeyeinstitute.org

From: Capitol Letter
Sent: Friday, May 18, 2018 6:15 AM
To: Kasych, Shawn
Subject: Lawmakers tackle college affordability

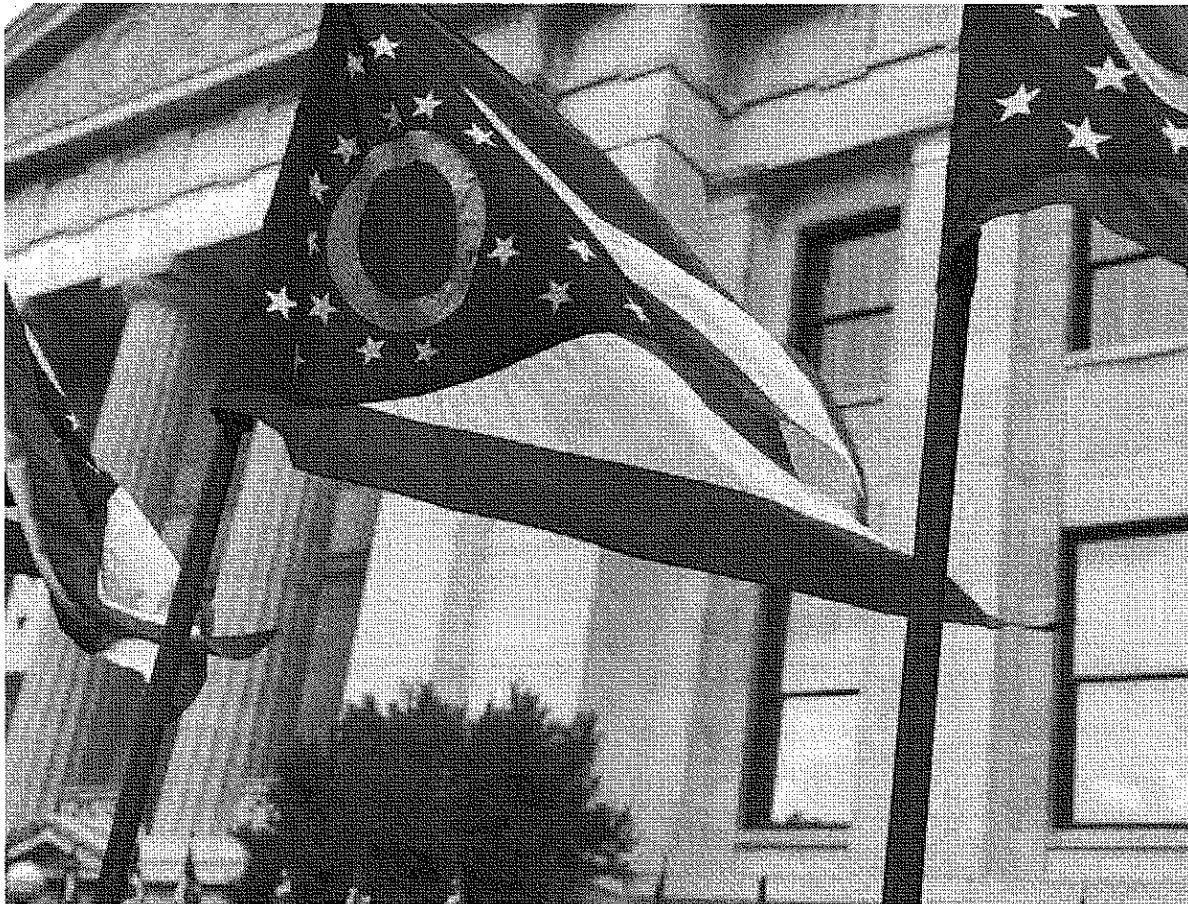
Friday, May 18, 2018

[View in Browser](#)



Capitol Letter

Laura Hancock and Jeremy Pelzer



Rotunda Rumblings

The old college try: Two lawmakers challenged Thursday claims by the Ohio Department of Higher Education that college is becoming more affordable. In 2008, average public college tuition in Ohio was 139.8 percent of the national average, making the state one of the most expensive places to attend school, the department's Jim Bennett told the Joint Committee on College Affordability, which met for the first time Thursday. Now it is 107.8 of the national average, he said. Schools have brought costs down with tuition freezes and guaranteed tuition rates for freshmen who finish in four years, he said. But Rep. Niraj Antani brought data showing in 2006, Ohio had the 15th highest average student loan debt, at \$19,000, and in 2016 it increased to \$30,000, the country's ninth

highest. Rep. Mike Duffey said he appreciated college trustees' efforts to curb tuition increases but said some costs have shifted to yearly spikes in fees.

A survey of college costs: Lawmakers from both chambers and parties serve on the Joint Committee on College Affordability, which will meet over the coming months and potentially suggest bills for the whole General Assembly to consider. Chairman Sen. Steve Wilson told committee members to read five Ohio reports on college affordability to better understand how the state is trying to tackle the issue. He instructed committee members to consider areas of college costs they'd like to look at.

Lukewarm response: Senate revisions to controversial energy-mandate legislation ([House Bill 114](#)) are evoking mixed feelings from both sides -- which isn't surprising, given that the substitute bill was drawn up as a compromise plan. Trish Demeter of the Ohio Environmental Council, in a statement, praised senators for inserting new language to loosen wind-turbine setback restrictions, but she added, "there's a lot in this bill that could deal some blows to Ohio's clean energy opportunities." Scott Elisar, who represents the Industrial Energy Users-Ohio, told Capitol Letter that while the trade association is still reviewing the Senate's changes, they "appreciate the efforts of [Senate] leadership to try to reduce the cost of the mandates." One group that did offer a strong reaction was the Buckeye Institute: in a statement, the pro-free-market think tank accused senators of "unduly risk[ing] Ohio's economic growth" by undoing the House's attempt to make the state's energy-efficiency and renewable-energy standards voluntary instead of mandatory.

Summer plans? Senate President Larry Obhof told reporters Wednesday that the Senate will activate at least one of its three "if-needed" session days (June 6, 13 and 27), though a Senate GOP spokesman said Thursday that no decision has been made on which days will be selected. If that happens, the Senate might decide to pass HB 114 instead of waiting until fall; however, Sen. Bill Beagle, who helped draw up the sub bill, said Wednesday that it's "too early to say" whether that might happen.

Orphaned well bill clears Senate panel: The Senate Energy and Natural

Resources Committee voted to report legislation designed to help plug orphaned oil and gas wells, though members first made some changes to the bill's funding mechanisms. A substitute bill to House Bill 225, adopted by the committee Wednesday, lowers the percentage of money required to be spent from the state's oil and gas fund to seal up abandoned wells from 45 percent to 30 percent. (An Ohio Department of Natural Resources official previously said spending 45 percent of the fund on plugging old wells would be "problematic.") However, the sub bill also boosts general-revenue funding for the effort from \$6 million to \$15 million.

Stories We're Talking About

Rinse, repeat: Political ads will be resuming in Ohio just 10 days after the May primary ended. Cleveland.com's Andrew Tobias reports U.S. Sen. Sherrod Brown will be launching the first ads of this year's U.S. Senate race, beginning Friday. A campaign spokeswoman said Ohio voters "will begin hearing about the clear difference in the race for Senate."

Grade - incomplete: The Ohio Department of Insurance is reviewing a letter the federal Centers for Medicare and Medicaid Services sent Thursday, rejecting its attempt to nix the individual mandate portion of the Affordable Care Act. The federal government told the state important information was missing from its application, Capitol Letter's Laura Hancock reports.

Joyce's tokin' amendment: U.S. Rep. Dave Joyce "secured language in a federal spending bill that would prohibit the Justice Department from interfering with medical marijuana laws in states like Ohio," writes cleveland.com's Sabrina Eaton. The measure made it into a House appropriation bill funding the U.S. Department of Justice.

Green light: Supporters of a proposed statewide recreational marijuana ballot measure can begin collecting signatures, after the Ohio Ballot Board approved the "Marijuana Rights and Regulations" state constitutional amendment as a single issue on Thursday, reports cleveland.com's Jackie Borchardt.

Dettelbach down memory lane: Steve Dettelbach looks back to his time

as U.S. Attorney in Northern Ohio in his first campaign ad for Ohio Attorney General. Borchardt writes the ad features Ann Rowland, who helped Dettelbach put away dozens of officials and contractors during a massive corruption investigation into the Democratic-controlled Cuyahoga County government that began in the late 2000s.

Ouch: Senate Majority Leader Mitch McConnell made a conspicuous snub during a Thursday interview with the Washington Post. McConnell rattled off eight states where he thinks the slim Republican Senate majority will be won or lost. Ohio, Pennsylvania and Wisconsin were not among them. McConnell said he thought there were “credible candidates” in Ohio — ahem, Jim Renacci — and Pennsylvania, but that those races weren’t yet top-tier.

Chabot’s other campaign: Cincinnati U.S. Rep. Steve Chabot, who’s running for re-election, also is making a quiet pitch to be the top Republican on the House Judiciary Committee in 2019, writes Politico’s Kyle Cheney. Chabot is making his experience as a central figure in the 1998 House’s impeachment of then-president Bill Clinton part of his pitch for the job. Read between the lines what you will.

Full Disclosure

Five things we learned from U.S. Rep. Steve Stivers’ Aug. 12 financial disclosure statement. Stivers, a Columbus-area Republican, is running for re-election in November and facing Columbus Democrat Rick Neal.

1. He has two trusts, the AJ Stivers trust and the Zua Stivers Trust. The AJ Stivers Trust has cash, a money market, \$100,001 to \$250,000 in Procter and Gamble stock, real estate in Ripley in Brown County and Wheeler County, Texas. Its value is \$117,005 to \$331,000. The Zua Stivers Trust also has cash, General Electric, P&G, ExxonMobil and other stock, bonds, farmland in Crawford and Marion counties and index funds. Its value is \$116,018 to \$491,000.
2. He has a Chase checking account with \$1 to \$15,000, a Chase savings account with \$15,001 to \$50,000 and a joint savings account with his wife at Arlington Bank with \$1 to \$15,000.

3. He and his wife jointly had a home equity loan with the Arlington Bank, owing \$50,001 to \$100,000. They had a mortgage on a house in Upper Arlington for \$250,001 to \$500,000. Stivers didn't indicate if it was their primary residence but he said it was not a rental property.
4. He has a Chase Roth IRA worth \$1 to \$10,000. He has served in the Ohio Army National Guard and the state Senate, and has an Ohio Public Employees Retirement System pension valued at \$50,001 to \$100,000. He has a 401(k) and pension with JPMorgan Chase, each valued at \$50,001 to \$100,000. A Fidelity retirement account has \$15,001 to \$50,000.
5. He reported two Edward Jones investment funds, each with \$1 to \$15,000 that belong to his children. He also reported two Northwestern Mutual life insurance policies with the same fair market values for each child.

What's Going On

Friday 8:30 a.m. – Ohio Job and Family Services to release statewide labor force data online.

Friday 10 a.m. – Ohio Board of Voting Machine Examiners. *Ohio secretary of state's office, 15th and 17th floors, Continental Plaza Building, 180 East Broad St.*

Friday Noon to 1 p.m. – Mike DeWine to visit suburban Columbus school: The attorney general and Republican gubernatorial hopeful plans to tour Kae Avenue Elementary School. *4738 Kae Ave., Whitehall.*

Friday Noon to 1:15 p.m. – Indian ambassador to speak in Columbus: Navtej Sarna, the Indian ambassador to the United States, is set to speak at a Columbus Metropolitan Club event. *The Boat House at Confluence Park, 679 W. Spring St.*

Friday Noon – Lake County Republican Roundtable. *Rider's Inn, 792 Mentor Ave., Painesville.*

Friday 2 p.m. – Rob Portman to attend panel discussion, tour Columbus-area company: The Republican U.S. senator plans to participate in a “Future of Workforce” panel discussion at COSI at 2 p.m., then tour the Eleventh Candle Company in Worthington at 3:30 p.m.

Friday 6:30 to 8 p.m. – Ohio House Democratic Caucus candidate reception. *Dempsey's Food and Spirits, 346 S. High St.*

Saturday 8 a.m. – Susan G. Komen Race for the Cure Expo and SurvivorPalooza. *North Plaza, Ohio Statehouse.*

Birthdays

Friday 5/18: George Boas, Ohio Senate Democrats' deputy chief of staff
Democratic secretary of state nominee/Rep. Kathleen Clyde
Sen. John Eklund

Straight From The Source

“Get a thick skin.”

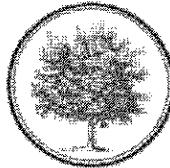
- Soon-to-retire Hamilton County Democratic Party Chair Tim Burke, when asked by WCPO-TV what advice he would give to his replacement.

One of our aims with Capitol Letter is frequent communication with you, the reader. We value your thoughts and suggestions about the newsletter. What do you think of it? What features do you like? What could we do better? Is there a topic you'd like to see us address? And what time would you like to receive the newsletter? We've been sending it at about 6:15 a.m. Would you like it to arrive earlier? We value your feedback and are committed to making Capitol Letter your essential first read of the morning. Email us at Capitolletter@cleveland.com.

To ensure receipt of our emails, please add cleveland.com_newsletters@update.cleveland.com
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newsletter. Was it forwarded to you? Sign up now!

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From: The Buckeye Institute
Sent: Friday, May 18, 2018 11:33 AM
To: Kasych, Shawn
Subject: The Buckeye Institute: Ohio's Job Market Continues its Steady Climb



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
May 18, 2017

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Columbus, OH -- Andrew J. Kidd, Ph.D., an economist with The Buckeye Institute's **Economic Research Center**, commented on newly released employment data from the **Ohio Department of Job and Family Services** ([Click here to download the audio file.](#)).

"Ohio continues to experience steady improvement in its labor market with unemployment falling to 4.3 percent, and significant job growth relative to April 2017 when the unemployment rate was 5.1 percent. This, coupled with the rise in labor force participation, means Ohio's labor market is growing and those seeking jobs are finding them. This is good news for Ohioans and good news for Ohio's economy."

"Although Ohio has yet to reach the national unemployment rate of 3.9 percent, we are on the right track. While the national labor force participation rate fell, Ohio's actually grew. This means Ohio fared better than most states in maintaining a strong labor force. Although Ohio is moving in the right direction, policymakers need to ensure obstacles, such as special tax credits to benefit specific businesses, are not put in place that would harm this growth."

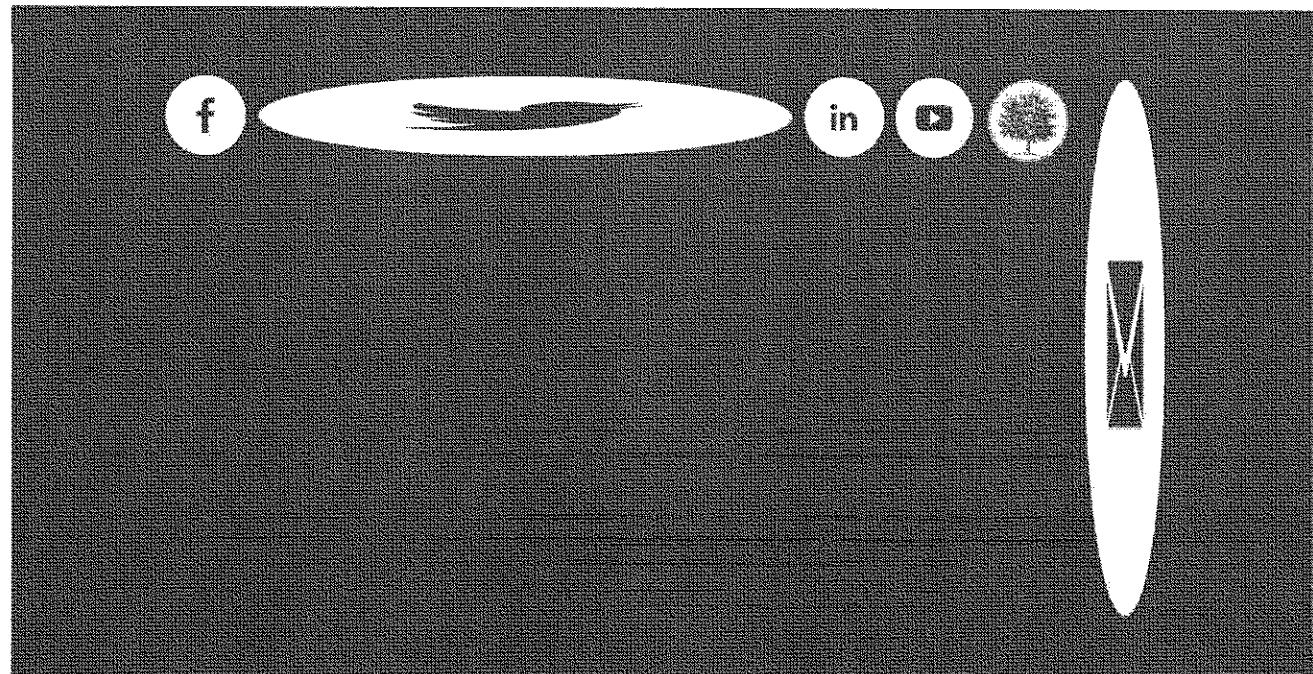
"While this month's growth was slower than previous months, Ohio's unemployment rate has held steady or fallen every month since October 2016, and we should not lose sight of

the fact that relative to 2017, Ohio's job market is much stronger and continuing pro-growth policies will help both Ohio businesses and Ohio workers.

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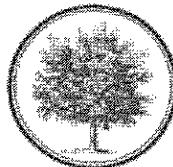
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From: Thomas, AJ
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Subject: FW: Deconstructing the Administrative State Luncheon

Final chance! Don't miss out on lunch and a great opportunity to see what we are doing to control the rise of the administrative state. Thanks!

AJ THOMAS
Legislative Aide
State Representative Andy Thompson | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 11th Floor
Columbus, Ohio 43215
Office number: (614) 644-8728
AJ.Thomas@ohiohouse.gov

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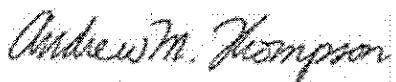
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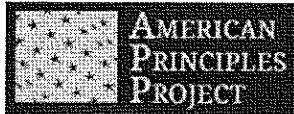
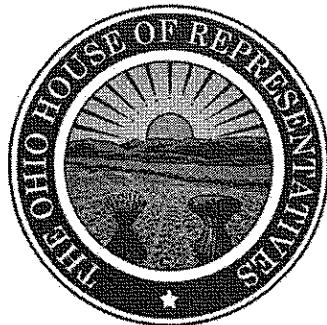
WHO: All Members and Staff are invited

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Andy Thompson
State Representative
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On Wednesday May 23rd there will be a panel discussion of HB580 featuring the American Principles Project's Erin Tuttle, Greg Lawson of The Buckeye Institute, and Micah Derry of Americans for Prosperity. It will be moderated by Representative Andy Thompson. There will also be a free lunch provided by the parties in question.

House Bill 580, adds oversight and transparency to Ohio executive agencies' applications for federal grants, in an effort to control the rise of the administrative state. The discussion will

include how the bureaucracy of our federal and state governments has grown over time, and how this administrative growth has specifically hurt the State of Ohio through federal grants and mandates. We will discuss how HB580 will help address the problem we have with a rising administrative state, and institute oversight via the executive branch.

WHERE: 31st Fl. North Room

WHEN: Wednesday May 23rd from 11:00-12:15

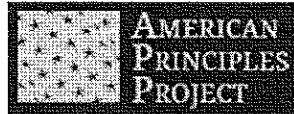
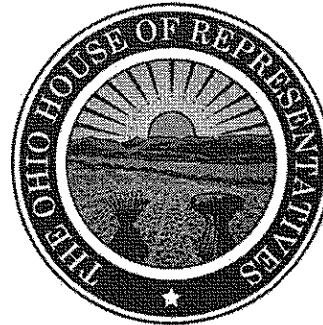
WHO: All Members and Staff are invited

Please RSVP to AJ Thomas (AJ.Thomas@ohiohouse.gov) by Friday May 18th so we may have a count for lunch.

We hope to see you there!



Andy Thompson
State Representative
House District 95



THE BUCKEYE INSTITUTE



From: Thomas, AJ
Sent: Friday, May 18, 2018 12:32 PM
To: Thomas, AJ
Subject: FW: Deconstructing the Administrative State Luncheon

Final chance! Don't miss out on lunch and a great opportunity to see what we are doing to control the rise of the administrative state. Thanks!

AJ THOMAS
Legislative Aide
State Representative Andy Thompson | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 11th Floor
Columbus, Ohio 43215
Office number: (614) 644-8728
AJ.Thomas@ohiohouse.gov

From: Thomas, AJ
Sent: Tuesday, May 15, 2018 9:34 AM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Subject: RE: Deconstructing the Administrative State Luncheon

Make sure to respond by **this Friday 5/18** for a free lunch! See below:

From: Thomas, AJ
Sent: Friday, May 11, 2018 11:50 AM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Subject: Deconstructing the Administrative State Luncheon

Hello! Had enough of bureaucracy? Tired of all the red tape? Concerned about rogue agencies seemingly operating impervious to oversight? I am, too!

A wise man once said, "There is no such thing as a free lunch," but he was wrong!

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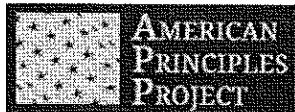
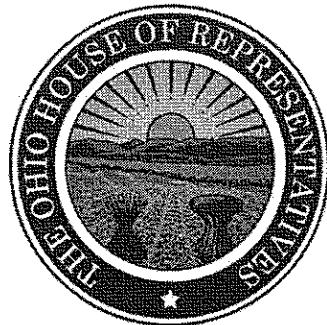
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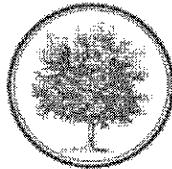
Andy Thompson
State Representative
House District 95



THE BUCKEYE INSTITUTE



From: The Buckeye Institute
Sent: Tuesday, May 22, 2018 10:31 AM
To: Kasych, Shawn
Subject: The Buckeye Institute Calls on Policymakers to Protect the "Brilliance of America's Constitution": Federalism



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
May 22, 2018

The Buckeye Institute Calls on Policymakers to Protect the "Brilliance of America's Constitution": Federalism

Daniel J. Dew Testifies Before the Ohio Senate Local Government, Public Safety, and Veterans Affairs Committee

Columbus, OH -- The Buckeye Institute's Daniel J. Dew testified today (see full text below or [download a PDF](#)) before the Ohio Senate Local Government, Public Safety, and Veterans Affairs Committee on Senate Concurrent Resolution 23 and the importance of constitutional federalism.

"The significance of federalism and the separation of powers between the federal and state governments can hardly be overstated," Dew said in opening his testimony where he outlined three points for members of the committee to consider: the importance of federalism, the erosion of federalism, and the future of federalism.

The importance of federalism, Dew testified, was expressed by "Justice Anthony Kennedy [who] once wrote that 'Federalism was our Nation's own discovery...It was the genius of their [the Framers] idea that our citizens would have two political capacities, one state and one federal, each protected from incursion by the other.'" Dew went on to say "Federalism

is that unique system of sovereignty and power that protects the people of one state from the dictated policy preferences of another."

Recognizing that American federalism has been eroded, Dew highlighted the case of Montgomery County farmer, Roscoe Filburn, who lost his 1942 case against the federal government, which had charged Mr. Filburn with violating the federal quota limiting the amount of wheat that farmers could legally grow. In its ruling against Mr. Filburn, the Supreme Court looked to the Commerce Clause, which as Dew said, "Has not been the only lever that Congress has pulled to further shrink the sphere of the several states." Congress and the federal government, also offer "vast sums of federal money in exchange for states doing what Congress is not otherwise authorized to do," as they did with the "once-popular but now widely-criticized Crime Bill of 1996," where they offered states money if they would increase prison sentences for those convicted under state law. And, as Dew points out, "Many states obediently rewrote their criminal statutes in order to take Uncle Sam's cash."

Dew closed his testimony by pointing out that there is hope for federalism and, "It affords opportunities for states to assert their prerogatives once again." To do that Dew says, "State attorneys general must...defend state sovereignty against federal action in court," state legislatures must close loopholes that allow greater federal government incursion, and legislatures must "actively resist the temptation to take federal dollars that Congress offers to entice Ohio to do its bidding."

#

**Interested Party Testimony Before the Ohio Senate
Local Government, Public Safety, and Veterans Affairs Committee**

**Daniel J. Dew, Legal Fellow
The Buckeye Institute
May 22, 2018**

Chair Uecker, Vice Chair Wilson, Ranking Member Thomas, and members of the Committee, thank you for the opportunity to testify today regarding Senate Concurrent Resolution 23 and the importance of constitutional federalism.

My name is Daniel J. Dew, and I am the legal fellow at The Buckeye Institute's Legal Center, an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

The significance of federalism and the separation of powers between the federal and state governments can hardly be overstated. And although we as lawyers and members of the General Assembly are undoubtedly familiar with this founding principle of our great republic, it remains useful to remind ourselves of that principle, how and for what purpose it functions, and what role it might play in our political future. To that end, I offer the following three points for your consideration: the importance of federalism; the erosion of federalism; and the future of federalism.

The Importance of Federalism

The undisputed brilliance of America's founding and Constitution lies in federalism. Justice Anthony Kennedy once wrote that "Federalism was our Nation's own discovery. The Framers split the atom of sovereignty. It was the genius of their idea that our citizens would have two political capacities, one state and one federal, each protected from incursion by the other." Justice Kennedy reminds us that the greatest check on federal power under the Constitution was not the separation of power divided among three co-equal branches, but the division of power between the sovereign states and the sovereign United States.

To implement this balance of separated power, the Constitution established several structural safeguards to protect against political "incursions." State sovereignty was protected first by the express, but limited delegation of specific powers that the Constitution granted to the national government. Many of the Framers considered these enumerated federal powers to be the extent of national authority, but others worried that without additional explicit protections, the national government would expand beyond its delegated sphere.

In opposing the need for a bill of rights, for example, Alexander Hamilton argued in Federalist 84:

"I go further, and affirm that bills of rights...are not only unnecessary in the proposed constitution, but would even be dangerous. They would contain various exceptions to powers which are not granted; and on this very account, would afford a colourable pretext to claim more than were granted. For why declare that things shall not be done which there is no power to do?"

To sharpen his point, Hamilton went on to ask: "Why for instance, should it be said, that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed?"

Notwithstanding Hamilton's rhetorical question, the Bill of Rights was soon ratified, and with it a second constitutional safeguard for federalism and state sovereignty. James Madison, the architect of the constitutional structure, initially resisted a bill of rights, believing like Hamilton that such express protections were unnecessary given the few and defined federal powers. But Madison later authored the Constitution's 10th Amendment, which expressly reserves to the people and the several states any powers not delegated to the federal government.

One final structural safeguard for state authority was the Constitution's initial requirement that U.S. Senators be elected by state legislatures. This provision -- later nullified in 1913 by the Seventeenth Amendment -- gave states a more direct representation in the national Congress, essentially giving states a veto power over any legislation that infringed on state prerogatives or sovereignty.

The animating principle behind each of these safeguards, of course, was the Framers' understanding that local governments are best suited to govern *local* matters, and that you, as Ohio's legislature, would know better than Congress or the President how to solve the problems and concerns of Ohio and your constituents. Federalist 17 went so far as to call any attempt by the national government to involve itself in local matters "troublesome."

We see the wisdom of this concern manifest in our own political climate today. We see fundamental differences of opinion from state to state on the proper role, scope, and interests of government -- whether state or federal. Californians, for example, do not want Oklahomans or Alabamans dictating policy for California -- and the feeling is almost certainly mutual -- just as we would never want that "state up north" dictating policy for the great state of Ohio.

Federalism is that unique system of sovereignty and power that protects the people of one state from the dictated policy preferences of another. It allows those governments closest to the people to determine the policies that impact daily life -- at least that's how it was designed.

The Erosion of Federalism

The structural safeguards protecting state and federal power against what Justice Kennedy called the "incursions of the other," have unfortunately eroded. The 17th Amendment in 1913 that called for the direct, popular election of U.S. Senators dealt a significant blow to the original constitutional bulwark. After 1913, the several states no longer had direct representation in Congress, as their Senators were no longer elected by their legislatures. The Amendment's effect was tempered for several years, despite the agenda of the early

Progressive movement to expand federal authority, because the Supreme Court took a relatively narrow view of national powers in those days. That view, however, would evolve.

In the late 1930s and early 40s, under tremendous pressure from President Roosevelt, the Supreme Court began taking a broader perspective of the scope of federal power. In so doing, the Court radically redrew the lines between "local" and "national" interests, and shifted the delicate balance of power and sovereignty in Washington's favor.

Perhaps the Court's most infamous decision on federalism, *Wickard v. Filburn*, started just outside Dayton, Ohio. At issue was the federal quota limiting the amount of wheat that farmers could legally grow. Montgomery County farmer, Roscoe Filburn, grew his quota, but also grew some extra wheat for his family's own consumption. Federal authorities charged Mr. Filburn with violating the federal quota, and Filburn challenged Congress's authority to regulate the size of his personal crop -- he had no intention, after all, to sell his personal family portion across state lines. Thus, argued the farmer, he was not engaged in interstate commerce and therefore was beyond federal reach. In its 1942 decision, the Supreme Court disagreed.

The *Wickard* Court held that Mr. Filburn's personal wheat consumption could be aggregated with other farmers who might also plant their own wheat, and that, when aggregated, these personal portions could impact the national wheat market. Such a potential impact, said the Court, brought Mr. Filburn's private wheat stock within Congress's authority under Article I, Section 8 to "regulate commerce with foreign nations, and among the several states."

Since then, the country's balance of sovereignty has never been the same, as virtually any facet of local, daily life -- once aggregated -- could be construed to have a national impact. In fact, it would be more than 50 years after Mr. Filburn's case before the Supreme Court would find a federal law exceeding the outer limits of Congress's authority to regulate interstate commerce.

The effect of such a shift in the balance of power was summarized more recently by Justice Clarence Thomas, who wrote:

"There is a danger to concentrating too much, as well as too little, power in the Federal Government. This Court has carefully avoided stripping Congress of its ability to regulate *interstate* commerce, but it has casually allowed the Federal Government to strip States of their ability to regulate *intrastate* commerce -- not to mention a host of local activities..."

Unfortunately, the Constitution's Interstate Commerce Clause has not been the only lever that Congress has pulled to further shrink the sphere of the several states. When the ever-elastic powers of the Commerce Clause are not enough to impose Washington's will, Congress often resorts to Don Corleone's famously effective approach in *The Godfather* -- and makes the states an offer they can't refuse.

That offer typically involves Congress sending states vast sums of federal money in exchange for states doing what Congress is not otherwise authorized to do. For example, Congress's once-popular but now widely-criticized Crime Bill of 1996 offered money to states if they would increase prison sentences for those convicted under state law. Here, Congress inserted itself into local criminal justice matters that had been traditionally -- and for good reason -- left entirely to the state and local authorities. The money, however, was too much to resist and many states obediently rewrote their criminal statutes in order to take Uncle Sam's cash. Like the Commerce Clause, the Supreme Court has found precious little beyond Congress's so-called Spending Power-a coercive power that Chief Justice Roberts once called "a gun to the head."

Collectively, or "in the aggregate," constitutional amendments and the Supreme Court's reinterpretation of constitutional authority have eroded the safeguards of federalism over the years. The structural lines that protected each political sovereign from the "incursions of the other" have been undeniably blurred. But there is hope.

The Future of Federalism

Few would argue that federalism today remains the robust stalwart against federal encroachment that James Madison and Alexander Hamilton had envisioned. The ebbs and flows of history and jurisprudence have taken their toll. But the constitutional structure that originally "split the atom of sovereignty" still remains, and it affords opportunities for states to assert their prerogatives once again. To do that, state attorneys general must continue to vigorously defend state sovereignty against federal action in court. Regrettably, such resistance will likely need to become the norm and not the exception if Ohio and her sister states are to restore the rightful balance of constitutional power.

And you, serving as the legislature, will also need to join the fight. In the last session, the General Assembly stood up for Ohio by limiting federal efforts to circumvent protections that you extended your constituents through civil asset forfeiture reform. You wisely closed a loophole in the federal Equitable Sharing program that had allowed law enforcement to evade state restrictions on civil forfeiture and take property from those who had never even been charged with a crime.

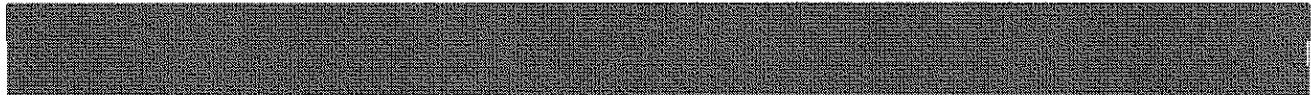
But more than just closing loopholes, you can actively resist the temptation to take federal dollars that Congress offers to entice Ohio to do its bidding. As we all know, those dollars inevitably dry-up and all that's left are growing piles of red-tape and state debt. By resisting the siren song of Congress, Ohio can once again begin to safeguard her own sovereign, political interests. As Chief Justice Roberts quipped a few years ago, "The States are separate and independent sovereigns. Sometimes they have to act like it."

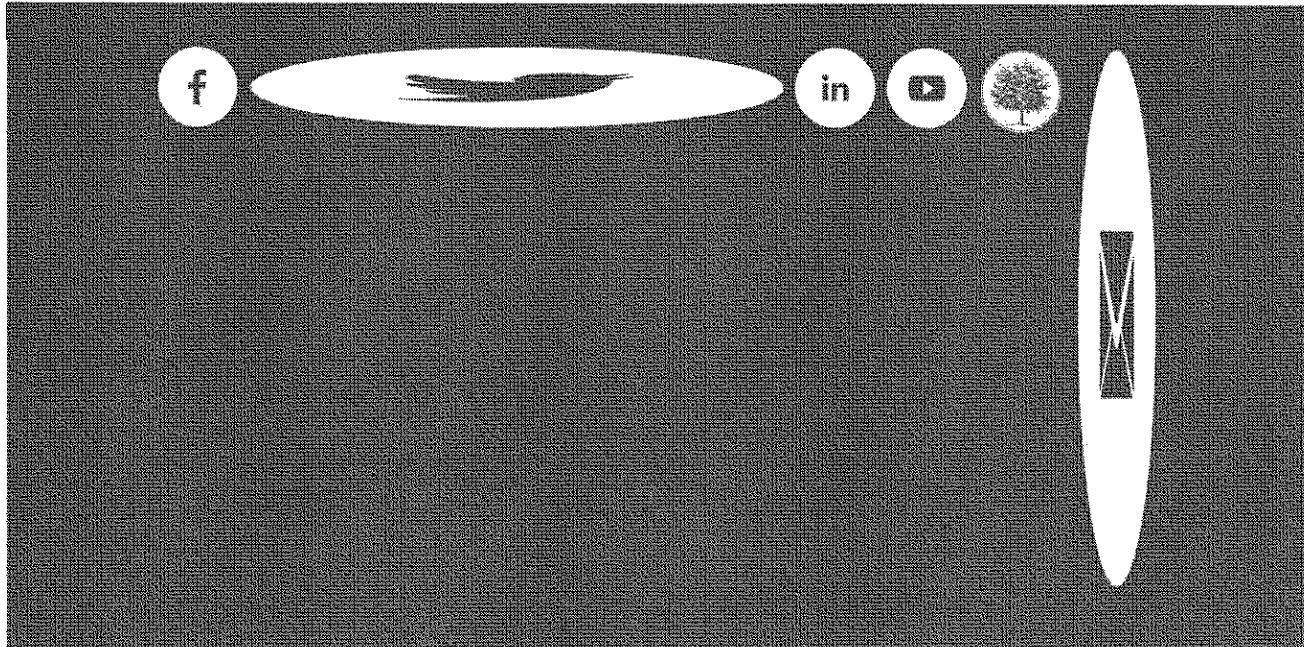
Thank you for the opportunity to address this important subject today. I would be happy to answer any questions you might have.

#

Founded in 1989, The Buckeye Institute is an independent research and educational institution - a think tank - whose mission is to advance free-market public policy in the states.

The Buckeye Institute is a non-partisan, non-profit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations that share a commitment to individual liberty, free enterprise, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.





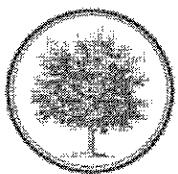
The Buckeye Institute, 88 East Broad Street,
Suite 1120, Columbus, OH 43215

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Sent by info@buckeyeinstitute.org

From: The Buckeye Institute
Sent: Tuesday, May 22, 2018 4:15 PM
To: Kasych, Shawn
Subject: The Buckeye Institute: Ohio Shouldn't Regulate Professions Unless There is a Risk to Public Safety



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
May 22, 2018

The Buckeye Institute: Ohio Shouldn't Regulate Professions Unless There is a Risk to Public Safety

Greg Lawson Testifies before the Ohio House Economic Development, Commerce, and Labor Committee

Columbus, OH -- The Buckeye Institute's Greg R. Lawson testified today (see full text below or [download a PDF](#)) before the Ohio House Economic Development, Commerce, and Labor Committee on the policies in House Bill 504.

In his testimony, Lawson noted that while House Bill 504 is not an occupational licensing bill, "as a permissive certification, the bill would effectively expand the scope of practice for those who seek the new certification," and The Buckeye Institute "continue[s] to discourage the direct regulation of any specific profession unless there is a verifiable public safety risk."

#

Interested Party Testimony Before the Ohio House Economic Development, Commerce, and Labor Committee on House Bill 504

**Greg R. Lawson, Research Fellow
The Buckeye Institute
May 22, 2018**

Chairman Young, Ranking Member Lepore-Hagan, and members of the Committee, thank you for the opportunity to testify today regarding House Bill 504.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, an independent research and educational institution-a think tank-whose mission is to advance free-market public policy in the states.

Ohioans should not have to ask the state for permission to earn their living. Yet, all too often, Ohio's occupational licensing requirements serve as "permission slip" policies that make it harder-and sometimes impossible-for Ohioans and would-be Ohioans to pursue their careers and put food on the table for their families. Such policies must end.

Enter House Bill 504. First, The Buckeye Institute appreciates that this bill is not technically a licensure bill for interior designers. As a permissive certification, the bill would effectively expand the scope of practice for those who seek the new certification.

Under the proposed bill, certified interior designers would be permitted to submit plans directly to building code officials rather than having to work under the direction or supervision of an architect or engineer, as is presently the case. These steps are better than prior proposals that would have required a license to be an interior designer. However, we continue to discourage the direct regulation of any specific profession unless there is a verifiable public safety risk.

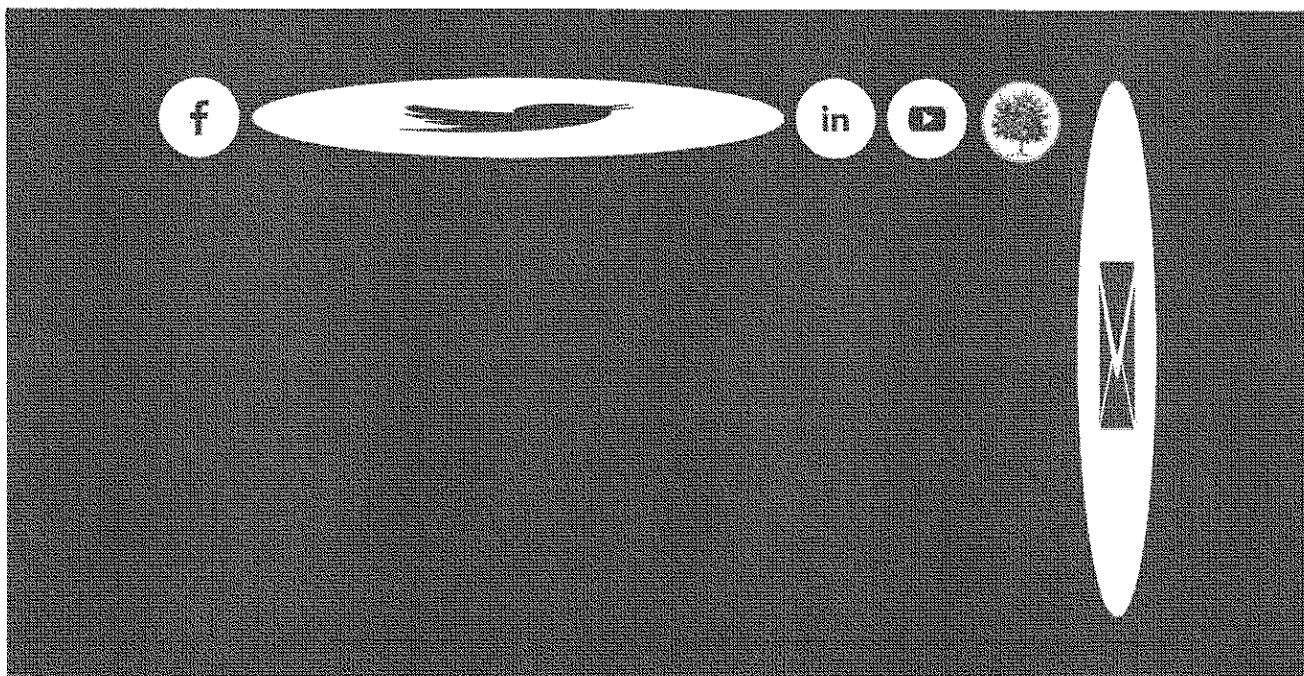
Second, The Buckeye Institute respectfully suggests that the Committee consider clarifying potential professional liability issues that House Bill 504 may unintentionally create. Expanding the scope of practice for interior designers by permitting them to submit plans to building officials should make the certified designer-and not the architect or engineer-liable for any problems that arise from the designer's submitted designs. As written, however, the bill does not make clear if this would in fact be the case.

Thank you for your time and consideration. I welcome any questions the Committee might have.

#

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The Buckeye Institute, 88 East Broad Street,
Suite 1120, Columbus, OH 43215

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Sent by info@buckeyeinstitute.org

From: Capitol Letter
Sent: Wednesday, May 23, 2018 6:15 AM
To: Kasych, Shawn
Subject: Speakerless House kills, alters bills

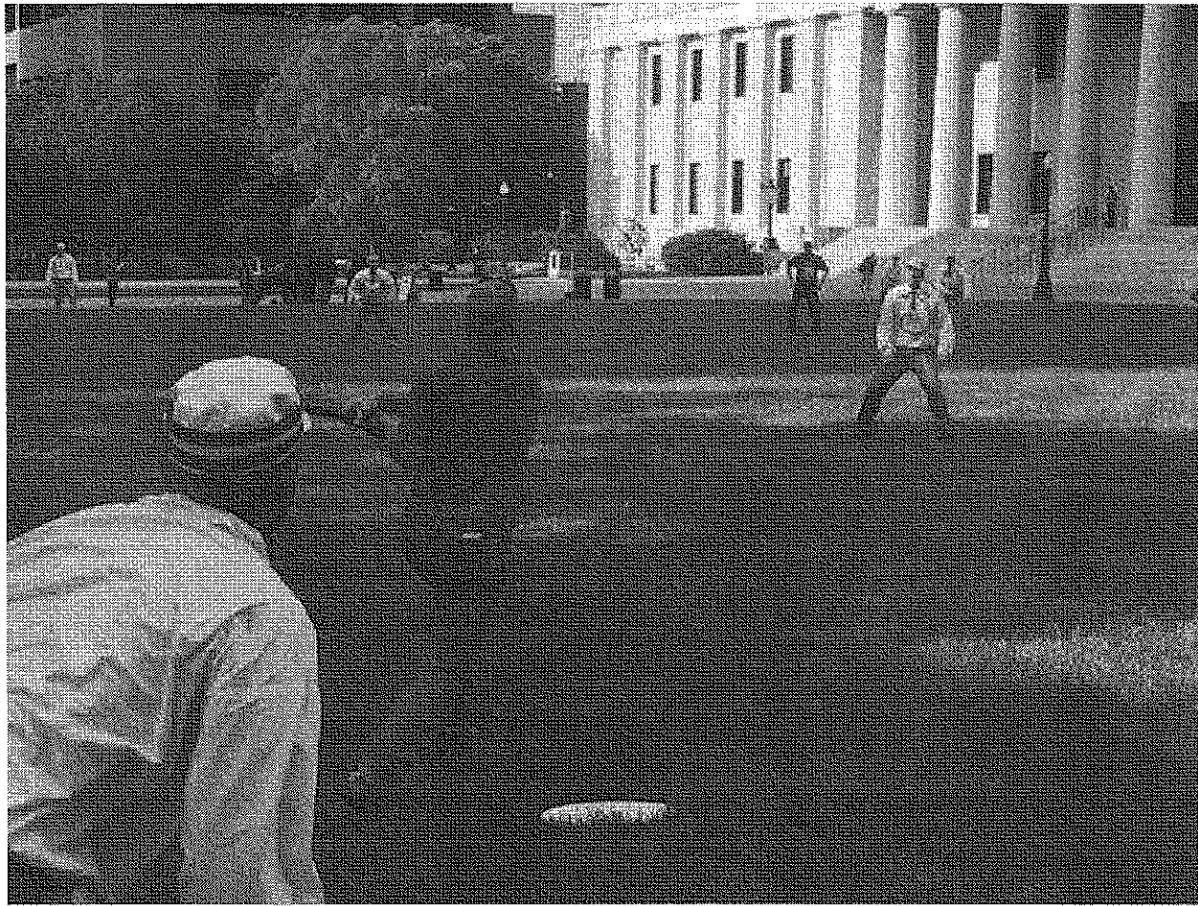
Wednesday, May 23, 2018

[View in Browser](#)



Capitol Letter

Laura Hancock and Jeremy Pelzer



Rep. Kyle Koehler, a Springfield Republican, hits a fly ball Tuesday during the 8th annual vintage "base ball" game between state lawmakers and the Ohio Village Muffins on the Statehouse grounds.(Jeremy Pelzer/Capitol Letter)

Rotunda Rumblings

Up in smoke: A House committee snuffed out a bill Tuesday that would have required purchases and sales in Ohio's new medical marijuana program to be cashless. The House Government Accountability and Oversight Committee rejected House Bill 495, 7 to 5 – an unusual defeat, considering that committee chairs don't generally bring a bill to a vote if it's not going to pass.

Out of the loop: H.B. 495 would have required medical marijuana patients and businesses to make purchases and payments electronically through debit cards. Each transaction in the "closed-loop system" could be tracked

to ensure the program followed state law. But the idea was criticized because transaction fees would be added each time a card was swiped. A marijuana security expert said it wouldn't prevent money laundering or illegal drug trafficking. Before the committee defeated the bill, it unanimously adopted an amendment proposed by sponsor Rep. Bill Seitz that would have in part dissolved the closed-loop system if the federal government ever allowed banks and other financial institutions to operate in the marijuana industry.

No House bill votes yet: The Ohio House, which has been without a speaker as Republican leaders have tried to agree on a replacement for ex-Speaker Cliff Rosenberger for the rest of the year, has an ever-growing backlog of legislation awaiting floor action before summer break. But none of it will be addressed during Wednesday's House session. House GOP spokesman Brad Miller tells Capitol Letter that the only item on Wednesday's agenda will be to elect a speaker. After that, Miller said, House Republicans plan to caucus Wednesday night, then hold votes on legislation on Thursday – the final scheduled session day before this fall. If that plan holds, the House Rules Committee will decide Wednesday which bills will be voted on Thursday.

More fallout: The House's lack of a speaker altered another bill Tuesday. House Bill 525 originally would have increased Ohio's film tax credit from \$40 million to \$100 million a year, and made Broadway productions eligible for the benefit. But the committee wiped out the credit increase, sending the tax break back to \$40 million. Former Speaker Rosenberger was a co-sponsor on the bill. After he resigned, documents revealed he dashed off to Burbank, California, to woo Disney to build a film studio near Cincinnati – based on a discussion with someone who was not a Disney employee. Only after meeting with Disney officials in person did he learn there was never a plan for an Ohio studio.

Bad for business: A collection of powerful business groups penned a letter to House members on Monday, imploring them to end the deadlock over electing a new speaker. "Without a speaker – and with the distracting controversy of electing one – we risk timely progress" on issues such as "regulatory reform, workforce education and development, tax matters, additional tort measures, and meaningful unemployment compensation

reform,” the letter stated. It was signed by officials with NFIB-Ohio, the Ohio Business Roundtable, the Ohio Chamber of Commerce, the Ohio Farm Bureau, the Ohio Council of Retail Merchants, and the Ohio Manufacturers’ Association. Not mentioned: which candidate the groups prefer to see as speaker.

Making records: Lawmakers advanced a bill that would specify police body cameras and dash cams are generally public record. There is no state law for body cameras, and House Bill 425 outlines 17 instances when recordings would be exempt from public records law – including to protect sexual assault victims and footage showing violence against police officers. The Ohio News Media Association and the Ohio Association of Broadcasters generally support the bill, said Dennis Hetzel, who was speaking for both groups. Hetzel was part of negotiations to amend the bill. He hopes the 17 exemptions will be narrowed down in coming weeks and that the dash cam provisions get removed, since existing law and court rulings have clarified that they’re usually public record.

Radioactive report: A House committee reported House Bill 393 last week to permit sales of brine from oil and gas drilling for road de-icing, despite a state report showing the salty liquid has radium levels up to 500 times higher than federal drinking-water limits. According to a 2017 memo from the Ohio Department of Natural Resources, state officials found high radium levels in samples taken from a suburban Akron company, as well as from de-icers purchased at nearby stores. As Capitol Letter reported last week, the memo led Rep. Michael O’Brien to remove himself as a co-sponsor of HB 393, but the House Energy and Natural Resources Committee voted 8-4 on May 15 to report the bill. Committee Chair Al Landis didn’t return a phone call Tuesday seeking comment.

Cure for patient ills? Lawmakers advanced a bill that would prohibit contracts that force pharmacists from keeping silent when a customer pays more for a drug with insurance than it would cost to pay with cash. House Bill 479 clamps down on pharmacy-benefit managers, middle men who negotiate between drug makers and pharmacists. In early April, the Ohio Department of Insurance prohibited so-called gag orders requiring pharmacists to contractually keep quiet about the affordable drug option. H.B. 479 goes a step further: If a patient has a \$20 co-pay for a drug that

only costs \$10 if purchased without insurance, the customer must be charged the lesser amount. Antonio Ciaccia of the Ohio Pharmacists' Association said drug prices will become more transparent, and prices will decrease for many Ohioans.

Submetering sub bill: Rep. Mike Duffey's bill to regulate submetering companies ([House Bill 249](#)) was altered Tuesday by a House committee. A substitute bill adopted by the House Public Utilities Committee would, among other things, give electric utility companies the right of first refusal to serve new customers before resellers could offer to serve them.

Lawmakers pump up tire bill: Two GOP lawmakers running for statewide office, Sen. Frank LaRose and Rep. Robert Sprague, joined the U.S. Tire Manufacturers Association at a Monday news conference to urge the Ohio House to pass [Senate Bill 223](#), which would slap a \$1,000 fine on suppliers who install an unsafe used tire on a vehicle. The bill burned rubber through the Ohio Senate late last year with bipartisan support and cruised through a House committee without opposition in February, but it still awaits a House floor vote. LaRose and Sprague are running for secretary of state and state treasurer, respectively.

Stories We're Talking About

The truth about jobs: Politicians take credit for good job growth, and they assess blame for the bad numbers. [Cleveland.com's data expert Rich Exner cut through the spin](#) by analyzing how Ohio's job numbers compared to national trends under recent governors. One interesting finding: "Gov. John Kasich's current term is a lot like the four years under his predecessor, Ted Strickland," Exner writes. "Yet, both terms under Kasich and the one term under the Strickland have been better versus the national trends than the 12 years before them - two terms under Bob Taft and the final term of George Voinovich."

The wait for weed: We were supposed to find out this week which applicants will get licenses to operate medical marijuana dispensaries in Ohio. But the Ohio Board of Pharmacy put off the announcement until early June, [cleveland.com's Jackie Borchardt reports](#).

Headline news from PNN: “Inmates at Ohio’s Marion Correctional Institution assembled several dozen computers from various parts, pirated software and illegally copied movies to broadcast on the prison movie network, an investigation from the state inspector general has found,” Borchardt reports. The inmates, working for the Ohio Penal Industries’ Prison News Network, copied movies rented by prison employees and showed them on the prison movie channel, violating copyright law and the prison’s contracts with two film distributing companies.

Win some, lose some: U.S. Rep. Jim Jordan’s favored candidates in two Ohio Republican congressional primaries lost earlier this month. But that won’t deter the Freedom Caucus founder from trying to increase the size of his group and its political clout, cleveland.com’s Sabrina Eaton reports.

Life preserver: Reps. Dave Joyce and Marcy Kaptur have written a letter seeking to save a volunteer advisory board for Great Lakes Restoration Initiative programs that has gone dormant under the Trump administration, Eaton reports. The letter, signed by 24 Congress members, asks EPA chief Scott Pruitt preserve the board, which it says has provided “invaluable advice.”

Money matters: The Center for Public Integrity has an interesting look at “dark money” in the 16th Congressional District race. CPI says a group tied to a lobbyist for FirstEnergy spent tens of thousands of dollars on ads attacking state Rep. Christina Hagan and supporting Anthony Gonzalez, who beat her in the Republican primary.

Money matters, Part 2: U.S. Rep. Steve Stivers is the latest Ohio politician to offload campaign contributions connected to ECOT, the now-shuttered online charter school that is being investigated for possible fraud, the Columbus Dispatch reports. Stivers will give \$4,300 his campaign received from the school’s founder, Bill Lager, to the National Institute for Civil Discourse, the Dispatch’s Jessica Wehrman writes.

Full Disclosure

Five things we learned from state Rep. Bill Reineke’s April 9 financial disclosure statement filed with the Ohio Joint Legislative Ethics Committee.

Reineke, a Tiffin Republican, is running for re-election and faces Democrat Rachel Crooks, who made headlines when she accused President Donald Trump of sexual harassment, in November.

1. He reported earning \$100,000 or more last year as president of Tiffin Ford-Lincoln, \$50,000 to \$99,999 as secretary of Reineke Ford Lincoln and \$25,000 to \$49,999 each from Reineke Lincoln Inc., where he is secretary, and Ford Motor Co.
2. He or one of his immediate family members was also involved in Reineke Nissan, Reineke Honda, Reineke Ford Lincoln of Lima LLC, Reineke RV LLC, Reineke Family Dealerships, 3RLima LLC, Reineke Under 10, SJLD Ltd., WFR Real Estate Inc., 3RM LLC and DEW Properties LLC, Elizcor LLC, ReinX3 LLC and Three R Reinsurance.
3. He's a trustee of the National Auto Dealers Association PAC.
4. He owns stock in Wendy's, Anthem, Marathon Oil, Ford, Merck, Citigroup, First National Bank of the Gulf Coast, GE, Macy's, Apple and Cisco, among other companies.
5. He reported receiving gifts last year valued at over \$25 from Ohio Jewish Communities. He received gifts valued at over \$75 from Cindy Dunne and the National Conference of State Legislatures.

What's Going On

8 a.m. – Convention of the States rally: Activists plan to gather in support of legislative resolutions to have Ohio join in a call for a U.S. constitutional convention to rein in federal authority and spending power. *West Plaza, Ohio Statehouse.*

8 a.m. to noon – Ohio Data Demo Day: Open data, transparency experts and lawmakers are set to discuss what "open data" means and how it benefits governments. *Jo Ann Davidson Theater, Riffe Center, 77 S. High St.*

8 to 9:30 a.m. – Rep. Kent Smith fundraiser: Sponsor levels for the

Euclid Democrat range from \$350 to \$1,000. *Einstein Bros. Bagels, 41 S. High St.*

8:30 a.m. – Joint Education Oversight Committee: State Superintendent Paolo DeMaria is scheduled to give a presentation. *North Hearing Room, Senate Building.*

9 a.m. – House Finance Committee: The committee may amend and vote on Senate Bill 135, which would offer local governments nearly \$115 million to upgrade voting machines. *Room 313, Ohio Statehouse.*

9 a.m. – Senate Ways and Means Committee: Panel members may amend and vote on legislation to set up criteria regarding who's an Ohio resident (House Bill 292) and clarify that certain equipment used in oil and gas drilling is exempt from state sales taxes (House Bill 430). *South Hearing Room, Ohio Statehouse.*

9 a.m. – House Health Committee: Among other business, the committee vote to report House Bill 231, which would require pharmacists to dispense oxycodone, methadone and other controlled substances in bottles that either are opened with a code or show the last time they were opened. *Room 121, Ohio Statehouse.*

9 a.m. – Bureau of Workers' Compensation board of directors committee meetings: Scheduled meetings include the Investment Committee at 9 a.m., the Actuarial Committee at 10:30 a.m., the Audit Committee at 1 p.m., the Medical Services and Safety Committee at 2 p.m., and the Governance Committee at 3 p.m. *Room 3, Level 2, William Green Building, 30 W. Spring St.*

9:30 a.m. to 3 p.m. – Crohn's and Colitis Foundation Ohio Advocacy Day. *Governor Thomas Worthington Center, Ohio Statehouse.*

9:30 a.m. to 6:30 p.m. – Ohio TourismWorks Legislative Day. *Capital Club, 50 S. Front St.*

9:30 a.m. to 1:30 p.m. – Childrens' Defense Fund Ohio Advocacy Day. *Atrium, Ohio Statehouse.*

10 to 10:45 a.m. – Sen. Frank LaRose to honor soap-box derby champs:

The Republican lawmaker and secretary of state nominee plans to present governor's commendations to soap-box derby champions from around Ohio. *Milo's Patio, Ohio Statehouse (rain location is the Statehouse Museum Gallery).*

11:30 a.m. – Ohio Licensed Beverage Association legislative luncheon. *Huntington Tower Terrace, 37th floor, 41 S. High St.*

11:30 a.m. to 1 p.m. – Rep. John Becker fundraiser: The Union Township Republican is seeking contributions ranging from \$350 to \$1,000. *Ringside, 19 N. Pearl St.*

Noon – Rep. Steve Huffman fundraiser: Donation levels for the Tipp City Republican range from \$350 to \$1,000. *Pub Mahone, 31 E. Gay St.*

1:30 p.m. – House session.

1:30 p.m. – Senate session.

1:30 p.m. – Public Utilities Commission of Ohio meeting. *Room 11B, 180 E. Broad St.*

4:30 p.m. – Rep. Doug Green fundraiser: The Mt. Orab Republican is seeking donations between \$350 and \$1,000. *OHROC, 7th floor, 21 W Broad St.*

5 to 7 p.m. – Ohio Supreme Court nominee Melody Stewart fundraiser: Donation levels for the Cleveland Democrat range from \$100 to \$500. *The Harp, 4408 Detroit Ave., Cleveland.*

5 to 6:30 p.m. – Legislative candidate Bill Roemer fundraiser: The Republican nominee for House District 38 is seeking donations of \$350 to \$1,000. State Rep. Kristina Roegner is slated to be a special guest. *Buckeye Bourbon House, 36 E. Gay St.*

5:30 p.m. – Sen. Matt Dolan fundraiser: The Chagrin Falls Republican is

seeking donations of \$250. *Fat Head's Brewery, 24581 Lorain Rd., North Olmsted.*

Birthdays

Greg Lawson, Buckeye Institute research fellow

Rep. Craig Riedel

Straight From The Source

"We're not laughing at you – we're laughing with you."

- Sen. Bill Coley, speaking to Rep. Jim Butler in a Statehouse hallway Tuesday. Coley was making a friendly jab about the House's ongoing difficulties in electing a new speaker.

One of our aims with Capitol Letter is frequent communication with you, the reader. We value your thoughts and suggestions about the newsletter. What do you think of it? What features do you like? What could we do better? Is there a topic you'd like to see us address? And what time would you like to receive the newsletter? We've been sending it at about 6:15 a.m. Would you like it to arrive earlier? We value your feedback and are committed to making Capitol Letter your essential first read of the morning. Email us at Capitolletter@cleveland.com.

To ensure receipt of our emails, please add [cleveland.com newsletters@update.cleveland.com](mailto:newsletters@update.cleveland.com) to your address book or safe sender list. You received this email because you opted-in to the newsletter. Was it forwarded to you? Sign up now!

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From: Thomas, AJ
Sent: Wednesday, May 23, 2018 11:20 AM
To: House_All
Subject: ALERT- HAPPENING NOW: Deconstructing the Administrative State Luncheon

Come on up to the 31st Floor!

From: Thomas, AJ
Sent: Tuesday, May 15, 2018 9:34 AM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Subject: RE: Deconstructing the Administrative State Luncheon

Make sure to respond by **this Friday 5/18** for a free lunch! See below:

From: Thomas, AJ
Sent: Friday, May 11, 2018 11:50 AM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Subject: Deconstructing the Administrative State Luncheon

Hello! Had enough of bureaucracy? Tired of all the red tape? Concerned about rogue agencies seemingly operating impervious to oversight? I am, too!

A wise man once said, "There is no such thing as a free lunch," but he was wrong!

On Wednesday May 23rd there will be a panel discussion of HB580 featuring the American Principles Project's Erin Tuttle, Greg Lawson of The Buckeye Institute, and Micah Derry of Americans for Prosperity. It will be moderated by Representative Andy Thompson. There will also be a free lunch provided by the parties in question.

House Bill 580, adds oversight and transparency to Ohio executive agencies' applications for federal grants, in an effort to control the rise of the administrative state. The discussion will include how the bureaucracy of our federal and state governments has grown over time, and how this administrative growth has specifically hurt the State of Ohio through federal grants and mandates. We will discuss how HB580 will help address the problem we have with a rising administrative state, and institute oversight via the executive branch.

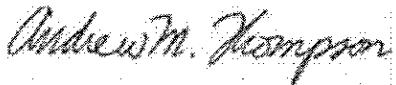
WHERE: 31st Fl. North Room

WHEN: Wednesday May 23rd from 11:00-12:15

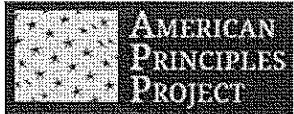
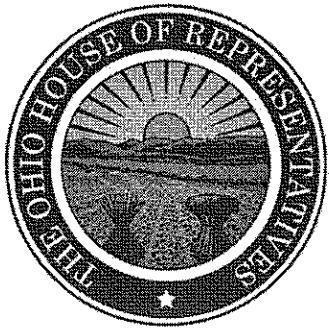
WHO: All Members and Staff are invited

Please RSVP to AJ Thomas (AJ.Thomas@ohiohouse.gov) by Friday May 18th so we may have a count for lunch.

We hope to see you there!



Andy Thompson
State Representative
House District 95



THE BUCKEYE INSTITUTE



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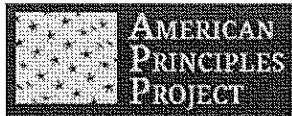
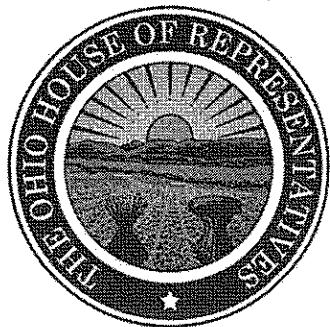
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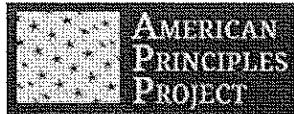
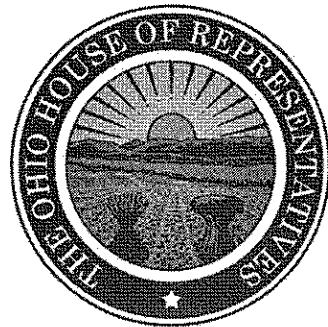
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Andy Thompson
State Representative
House District 95



THE BUCKEYE INSTITUTE



From: Capitol Letter
Sent: Tuesday, May 29, 2018 6:15 AM
To: Kasych, Shawn
Subject: Deal may end House GOP speaker impasse

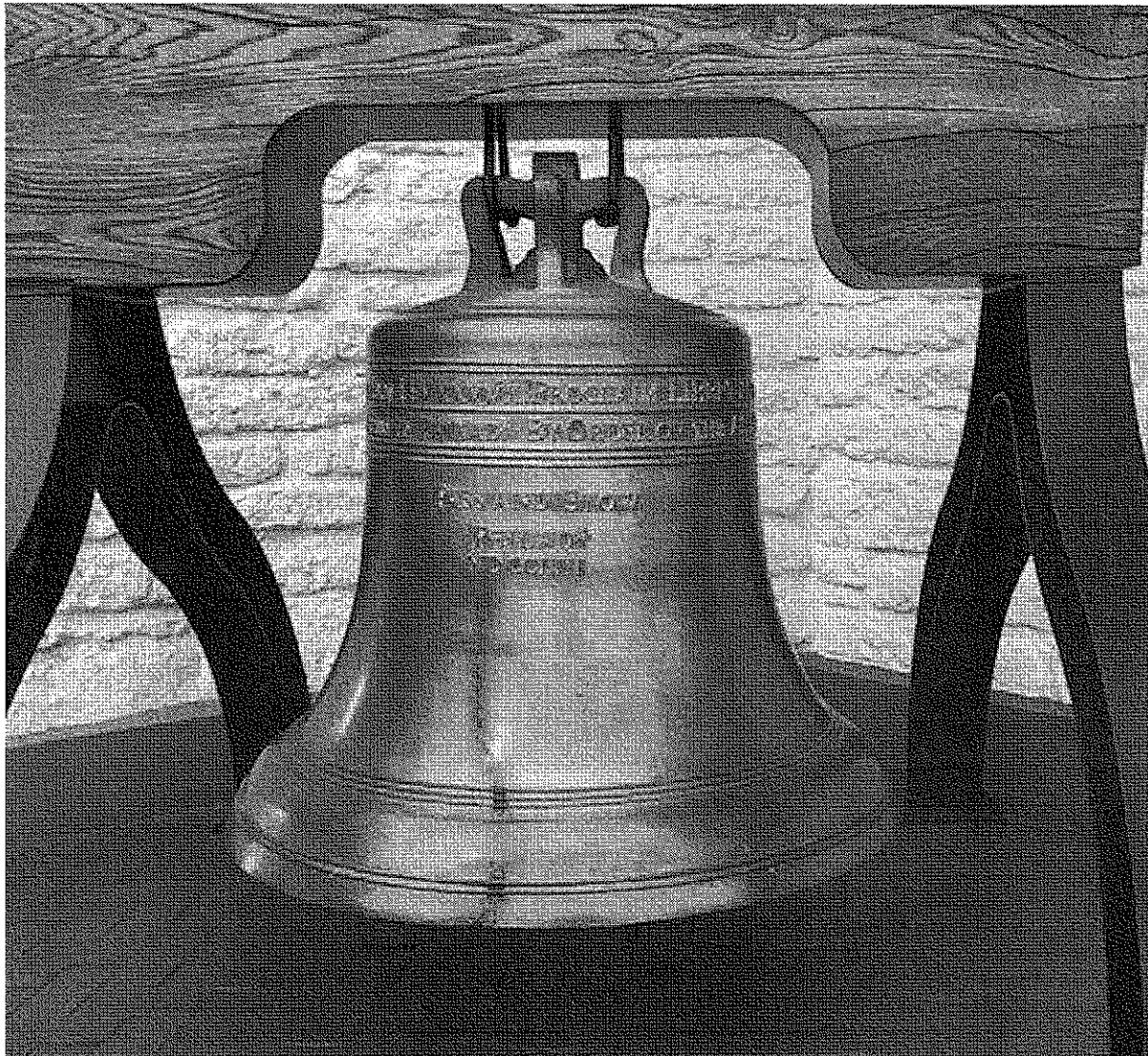
Tuesday, May 29, 2018

[View in Browser](#)



Capitol Letter

Laura Hancock and Jeremy Pelzer



A full-size Liberty Bell replica in the Ohio Statehouse basement was cast in 1950 in a French foundry. Fifty-five replicas were made for U.S. states and territories as part of a campaign to encourage the public to invest in U.S. savings bonds. For years, the bell was in a Statehouse hall near State Street. During the 1990s Statehouse renovation, the bell was moved to the Ohio Historical Society. It returned to the Statehouse in March 2015. (Laura Hancock, Capitol Letter)

Rotunda Rumblings

Deal or no deal? To break the Ohio House's deadlock over finding a speaker for the rest of the year, Speaker Pro Tempore Kirk Schuring, Rep. Larry Householder and Ohio GOP Chair Jane Timken reached an

agreement to have Schuring handle the duties. One problem: it's not clear how many lawmakers will go along with the idea, which would require the House to approve a rule change. Rep. Ryan Smith, who has been working to get the votes needed to become interim speaker, told Capitol Letter's Jeremy Pelzer he wouldn't support the deal. "If Ryan's not supportive of this deal, then I think it's deadlier than a doornail," said Rep. Andy Thompson, who also expressed hesitation over the idea.

Say cheese: Two lame-duck House members are making one last effort to have all standing Ohio House committee meetings broadcast live to the public. Currently, only House floor sessions and House Finance Committee meetings are broadcast on the Ohio Channel. Democrat Dan Ramos and Republican Wes Rutherford, the sponsors of House Bill 667, tried to expand that last session, arguing the House already bought the needed wiring and equipment years ago. But their bill last session only got one hearing, and with the House now in dysfunction and the end of session on the horizon, it's likely their new bill is headed for a similar fate.

Last hurrah: HB 667 was just one of a slew of new bills introduced last week by outgoing House members. Ramos introduced seven other measures on topics ranging from an income-tax credit for college expenses to how to break tie votes in elections. But Ramos' output was overshadowed by term-limited Democratic Rep. John Barnes, who introduced a whopping 17 bills dealing with everything from new lead-abatement rules to increasing penalties for assaulting a public-transit employee. Again, the chances of passage are slim for any bill introduced this late in the session — especially when it's from a term-limited Democrat.

Another side of the story: A state lawmaker is questioning claims made by some payday lenders that they tried to reach a compromise on a bill to tighten regulations on them, and that ex-Speaker Cliff Rosenberger used strong-arm tactics to stop their efforts. Rep. Kyle Koehler, the Springfield Republican who co-sponsored House Bill 123, tells Pelzer that the lenders never put forth a compromise proposal as they claim. He added that Rosenberger actually helped jump-start negotiations by assigning Schuring to be point person for the bill.

Separation of church and state? A House committee advanced a bill last

week – despite a warning that the measure could be unconstitutional – that would give state grants to faith-based organizations that help people with substance abuse and addiction problems. ACLU Chief Lobbyist Gary Daniels told members of the House Community and Family Advancement Committee that he understood their frustration with the opioid epidemic and their desire to reverse it. But he said House Bill 427 violates the Establishment Clause of the First Amendment, since the bill doesn't make it clear that religious programs would have to treat people who don't share their beliefs. The bill also doesn't prohibit programs from proselytizing to clients or ban them from requiring clients to attend religious services. "While the Establishment Clause forbids these scenarios, H.B. 427 is silent on these matters," Daniels said.

Just what the doctor ordered? As expected, psychologists and psychiatrists faced off last week over a bill that would allow the PhDs to prescribe psychotropic meds. Marlin Hoover, a psychologist licensed to prescribe in New Mexico in a program similar to Ohio House Bill 326, told the House Health Committee that there's a psychiatrist shortage. And the requirements of shrinks to obtain a master's degree in psychopharmacology, pass an exam and undergo clinical supervision were developed first by the military.

Side effects? Columbus psychiatrist William Resch testified on behalf of the Ohio Psychiatric Physicians Association, saying nearly 200 similar bills have been introduced in the states since 1985 – and only New Mexico and Louisiana have adopted them. Oregon's governor recently vetoed one passed by its legislature. And bills in Illinois, Iowa and Idaho have been passed, but no PhDs are prescribing because rules over prescribing privileges have taken a long time to write, due to the public's safety concerns, he said. "We believe a a 425-hour online course, which can be completed in the equivalent of 10 weeks, teaching solely about medications, is inadequate preparation for the skills necessary to safely prescribe," he said, arguing that the master's degree doesn't require basic science prerequisites and gives psychologists only limited exposure to anatomy, physiology, biochemistry, neurology, cardiology, gastroenterology and other areas of medicine.

Aftab gets hitched: Democratic Hamilton County Clerk of Courts Aftab

Pureval took some time out from his 1st District congressional campaign last weekend to get married to Dr. Whitney Whitis, a physician.

Stories We're Talking About

Not boring: Richard Cordray pushes back on the notion that he's boring during an interview with Ohio Matters, cleveland.com's politics podcast. The five-time Jeopardy champion was anything but boring, telling stories of his past adventures on the basketball court and explaining what's behind his eclectic Twitter persona. Podcast hosts Seth Richardson and Andrew Tobias even got Cordray to play a round of Ohio trivia. Spoiler alert: he answered some challenging questions, got stumped on a couple of others and corrected the hosts when they got one of the facts wrong.

Ad launch: U.S. Rep. Jim Renacci's Senate bid will get a boost from Americans for Prosperity, a group underwritten by the Koch brothers. The group is launching a major ad campaign applauding members of Congress, including Renacci, who voted against the \$1.3 trillion omnibus spending bill, and criticizing those who didn't, cleveland.com's Sabrina Eaton reports.

You're cut off: The Ohio Bureau of Workers Compensation got an assist from social media in uncovering a case of fraud in Cuyahoga County, cleveland.com's Emily Bamforth reports. Investigators found a Facebook post that indicated a Lakewood woman who was receiving disability benefits was also working as a bartender.

Moot? A state representative who supports Mike DeWine for governor wants to withdraw his complaint about a \$3 million loan to GOP rival Mary Taylor's gubernatorial campaign, the Columbus Dispatch's Randy Ludlow reports. Rep. Mike Duffey had alleged that the loan, repaid to Taylor's husband, was an illegal campaign contribution. Duffey told Ludlow that his complaint seemed moot because Taylor lost the primary, and he's concerned about the legal costs.

Take my toys and go home? The Dispatch's Jim Siegel has an account of last week's House Education Committee meeting that chairman Rep. Andrew Brenner abruptly ended when it appeared a Democratic-sponsored

amendment he didn't like was going to get added to a bill. Democrats such as Rep. Kent Smith are incensed, saying Brenner's actions don't reflect representative democracy. Brenner later said that a number of Republicans would like more time to work on the bill.

Full Disclosure

Five things we learned from Rep. Kirk Schuring's April 9 financial disclosure statement. The Canton Republican is the House's interim speaker and could become the next speaker Wednesday. Schuring also seeks the Senate District 29 seat in November against Democrat Lauren Friedman.

1. In addition to working as a lawmaker, he described himself as an associate at University of Mount Union and said he earned \$25,000 to \$49,999. The Ohio State Treasurer's office said he earned \$91,057 last year in the House.
2. The Ohio House Republican Organizational Committee gave him \$1,209.52 for travel. His mileage reimbursement from the House was \$6,158.88. Also for travel, the Committee to Elect Cliff Rosenberger gave him \$1,805.90, his own campaign committee – Citizens for Schuring – gave him \$555.97, the National Conference of State Legislatures gave him \$468 and the U.S. Department of Homeland Security gave him \$8.
3. He reported receiving gifts from Rosenberger, GOP donor Virginia Ragan, the Texas Department of Public Safety, Ohio State University and the National Conference of State Legislatures.
4. Schuring reported the Ohio Jewish Communities gave him an award plaque worth \$65 last year. He received the Greater Cleveland Partnership's Small Business Advocate award, worth \$57.95, Ohio Advocates for Medical Freedom gave him a book and DVD worth \$30.63. OSU gave him football tickets worth \$280. The Cleveland Museum of Art gave him a meal and beverages worth \$41.78.
5. He reported owing at least \$1,000 at some point in 2017 to T.W. Schervish, Robert Schuring, Kohl's, CSE Credit Union, Robert Glasser,

Donald Wilson and One Main Financial. And on April 13, he sent a letter to Tony Bledsoe, the legislative inspector general, saying he needed to amend his statement to include \$415.70 in Citizens for Schuring to be listed as an investment.

On the Move

Kalitha Williams, policy liaison at Policy Matters Ohio, has been elected to the board of the Consumer Federation of America, an association of non-profit consumer interest groups.

What's Going On Today

10 a.m. – Ballot Board meeting: The board is set to determine whether a proposed constitutional amendment to restrict payday lending is one or multiple ballot issues. *Finance Hearing Room, Senate Building.*

10:30 a.m. – BRAC task force to release findings: Members of the Ohio legislature's Task Force on Base Realignment and Closure and Military Affairs plan to unveil their recommendations. *Harding Press Room, Room 109, Ohio Statehouse.*

5:30 to 7 p.m. – U.S. Rep. Tim Ryan to hold Youngstown town hall.
Room 132, DeBartolo Hall, Youngstown State University, One University Plaza, Youngstown.

5:30 to 7 p.m. – Rep. Richard Brown fundraiser: Sponsor levels for the Canal Winchester Democrat range from \$100 to \$500. *Dempsey's, 346 S. High St.*

Birthdays

State Sen. Steve Wilson

Straight From The Source

"To call it a clown show is unfair to clowns, who actually are doing what

they're paid to do."

- A Columbus Dispatch editorial about the impasse over electing a new Ohio House speaker.

One of our aims with Capitol Letter is frequent communication with you, the reader. We value your thoughts and suggestions about the newsletter. What do you think of it? What features do you like? What could we do better? Is there a topic you'd like to see us address? And what time would you like to receive the newsletter? We've been sending it at about 6:15 a.m. Would you like it to arrive earlier? We value your feedback and are committed to making Capitol Letter your essential first read of the morning. Email us at Capitolletter@cleveland.com.

To ensure receipt of our emails, please add cleveland.com_newsletters@update.cleveland.com to your address book or safe sender list. You received this email because you opted-in to the newsletter. Was it forwarded to you? Sign up now!

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From: Capitol Letter
Sent: Monday, May 21, 2018 6:15 AM
To: Kasych, Shawn
Subject: Ryan Smith may be elected Ohio House speaker on Tuesday

Monday, May 21, 2018

[View in Browser](#)



Capitol Letter

Laura Hancock and Jeremy Pelzer



Rotunda Rumblings

Speaker Smith? After days of deadlock, Ryan Smith appears set to have the 50 House Republican votes needed to become interim speaker of the House, according to the Columbus Dispatch's Jim Siegel. To reach 50,

Smith needs at least three of the 18 anti-Smith Republicans to support him; it's unclear which members would change their minds. The House has added a Tuesday morning session to hold the vote; in addition to an already-scheduled Wednesday session, the House may also convene Thursday before leaving for summer break.

Minority opinion: Democratic Rep. David Leland says that the speaker vote would be invalid if held on Tuesday, arguing that House Rule 1 doesn't allow anyone but the speaker to call a new session day. Leland told Siegel he thinks Tuesday's vote, if it takes place, will be challenged either by Democrats or an anti-Smith Republican.

The story behind the invitation: The pro-Larry Householder blog Third Rail Politics last week posted a fundraising invite from Rep. Tom Brinkman listing special guest Rep. Ryan Smith as "Speaker of the Ohio House," even though Smith is still working to get enough House GOP votes to win the job. While that seems like either a presumptuous move or a power play on Smith's part, Brinkman gave a more mundane explanation to Capitol Letter. The Cincinnati Republican said the invite was only a draft drawn up by his wife, and it was never made public until someone leaked it to 3rd Rail. Brinkman said he set up the May 30 fundraiser months ago, and he listed Smith as speaker in the draft because he presumed Smith would be elected speaker by the day of the event. Smith "had nothing to do" with the invite, Brinkman said.

Guns on premises: Tenants can't be barred from possessing firearms in Section 8 and other subsidized housing, according to a bill backed by the Ohio Real Estate Investors Association. Senate Bill 234 allows landlords to impose "reasonable restrictions" on how tenants care for and store guns and ammunition. Landlords would have immunity from lawsuits over shootings and could sue their tenants if they don't follow the gun provisions in their rental agreements, the bill states. The Ohio Real Estate Investors Association represents some companies involved in Section 8 housing and believes the bill strikes the right balance between Second Amendment rights and the responsibility of being a housing provider, said its government affairs director Dan Acton, in testimony submitted Wednesday to lawmakers.

Don't give a scam: Two bipartisan bills introduced Tuesday seek to crack down on wire fraud. House Bill 647, the Wire Fraud Information Act, would require financial institutions to warn customers who are wiring money about the signs and possibilities of financial scams and fraud. House Bill 648, the Wire Transfers Temporary Hold Act, would allow banks and wire-transferring companies to hold a transaction for up to 15 days if an employee suspects it's part of an attempt to exploit a "vulnerable adult" -- defined as adults who are older than 60 or have a disability. Co-sponsor Reps. Richard Brown and Gary Scherer (a Democrat and a Republican, respectively) stated in a letter to their fellow lawmakers that the proposals "would act as last lines of defense" against scammers.

Labor pains: An anticipated U.S. Supreme Court ruling could decrease the number of state and local government workers who are members of labor unions by 6.8 percent in Ohio, according to a recent report from the University of Illinois at Urbana-Champaign. The high court is expected to soon decide Janus v. AFSCME, Council 31, which focuses on the constitutionality of "agency fees" paid by government workers who benefit from a union's collective bargaining agreement, even though they choose to not be members of the union. The court is expected to rule that unions cannot charge the fees. In Ohio, 258,000 government employees are represented by unions, and the research anticipates unions will lose 40,000 members if the court rules against AFSCME.

Betting on new revenue: State Sen. Joe Schiavoni announced Friday he plans to introduce a bill to legalize and regulate sports betting at casinos and racinos to create new revenue for Ohio. Last week, the U.S. Supreme Court cleared the way for states to permit sports gambling. Schiavoni, a Democrat, said he wants a plan with bipartisan support -- necessary to pass the GOP-controlled General Assembly. Republicans have had varied reactions to the Supreme Court decision -- with Gov. John Kasich's administration saying expanding gambling isn't a priority and Attorney General Mike DeWine, the GOP gubernatorial hopeful, urging legislators to get in front of the issue before special interests push a ballot issue.

Pay up: Secretary of State Jon Husted's office is seeking Controlling Board approval on Monday to pay more than \$898,000 in attorneys' fees for three court cases involving voting rights and campaign contributions. Of

that, \$350,000 would go to pay legal fees to settle a 2015 lawsuit claiming Ohio's voting laws and services weren't accessible enough for blind people. Another \$412,000 and \$135,000 would help pay attorneys' fees in cases overturning voter restrictions and a ban on campaign donations to certain candidates from Medicaid providers, respectively.

Connie's next move? Ex-Democratic gubernatorial hopeful Connie Pillich is "seriously considering" a run for Hamilton County Democratic Party chair, according to WVXU? 9s Howard Wilkinson. Other names being mentioned as possible successor for retiring party chair Tim Burke: retired municipal court judge Cheryl Grant, ex-state Sen. Eric Kearney, and ex-U.S. Rep. Steve Driehaus.

Fire advisory: Don't be alarmed if you hear rifle shots near the Statehouse around 11:30 a.m. Monday. That's when the Ohio Natural Resources Rifle Squad will fire a three-round volley as part of the governor's wreath-laying ceremony to honor fallen Ohio service members.

Stories We're Talking About

Marijuana program challenge denied: "Unsuccessful medical marijuana cultivator applicants challenging the state's process for awarding the lucrative grow licenses hit a major setback in court on Thursday," writes cleveland.com's Jackie Borchardt. "Franklin County Common Pleas Judge Kim Brown denied five companies' request for a preliminary injunction to scrap the medical marijuana grow license scores and start over from the beginning."

In another marijuana case: The state's medical marijuana program scored another win when a Franklin County judge on Friday denied a grower's request that part of the program be put on hold. However, as cleveland.com's Laura Hancock reports, the judge did order state officials to give Ohio ReLeaf LLC an administrative hearing. Borchardt has an overview of the effect of both rulings.

Mixed reviews: Last week's Senate rewrite of green-energy legislation, which includes a relaxation of the state's wind turbine setback rules, is being applauded by the wind industry, which says the changes would lead

them to invest billions in the state. But as The Plain Dealer's John Funk finds, "clean energy groups are not so sure they can support the Senate's redraft because, while it does not eliminate the state's renewable and efficiency mandates, it does water them down significantly."

Cordray hits DeWine on opioids: "In what is likely to be one of the premier issues in the November gubernatorial election, Democratic nominee for governor Richard Cordray on Friday attacked Republican nominee Mike DeWine as responsible for people dying from opioid and heroin overdoses," reports cleveland.com's Seth Richardson. "Cordray said DeWine's sluggish response as the state's top law enforcement official has led to people dying." DeWine called the accusation absurd.

Come together: "The entire Ohio Republican congressional delegation is holding a fundraiser for state Sen. Troy Balderson on Monday — including U.S. Rep. Jim Jordan, who stumped for Balderson's primary opponent" Melanie Leneghan, writes the Dispatch's Jessica Wehrman.

No refund: Balderson is keeping \$20,000 in donations to his state Senate campaign fund from Bill Lager, the founder of the now-shuttered Electronic Classroom of Tomorrow charter school, according to the Dispatch's Darrel Rowland. A Balderson spokesman noted that the Zanesville Republican's congressional campaign hasn't taken any contributions from Lager, but the campaign didn't answer follow-up questions about his Senate contributions.

Good news/bad news: New state jobs numbers show Ohio lost 1,000 jobs in April, even though the state's unemployment rate dropped 0.1 percent from March. As The Plain Dealer's Olivera Perkins explains, the discrepancy is "because the unemployment rate and the increase or decrease in jobs are based on different measures."

Mr. Durable: In the latest episode of cleveland.com's political podcast "Ohio Matters," veteran GOP consultant Mark Weaver says that while DeWine and Cordray are not the most charismatic candidates, DeWine is hardworking and cares for Ohio. "'There is probably no more durable brand in Ohio politics than Mike DeWine,'" he said, adding that Cordray is "smart as a whip" but "has not found his political voice yet."

Slow release: The Ohio Supreme Court has “kicked down the road” a proposal to allow secret grand jury transcripts to be released in limited cases — including fatal police shootings resulting in no indictments, according to the Dispatch’s Randy Ludlow. The court missed a May 1 deadline to act on the idea, recommended by a judicial task force in 2016 but opposed by prosecutors and police organizations.

Full Disclosure

Five things we learned from U.S. Rep. Steve Chabot’s May 11, 2017, financial disclosure statement. A new financial disclosure statement was due Tuesday, but the Cincinnati Republican requested a 30-day extension. Chabot, who represents Ohio’s first congressional district, faces Democrat Aftab Pureval, the Hamilton County clerk of courts, in November.

1. He reported owning Facebook, Netflix and Finish Line shares of stock, for a fair market value of \$15,001 to \$50,000 in each company. He has TripAdvisor and Under Armour stock, each worth \$1 to \$15,000.
2. He has a deferred compensation plan with the Ohio Public Employees Retirement System worth \$150,003 to \$300,000. He has an OPERS pension worth \$50,001 to \$100,000.
3. Chabot has a PNC Bank account with \$100,001 to \$250,000 and a U.S. Bank Account with \$15,001 to \$100,000.
4. Together all his assets – including the OPERS funds, stocks, bank accounts and other investments – are valued at \$559,027 to \$1.5 million.
5. The conservative Heritage Foundation paid for his lodging and food on a trip from Washington to Middleburg, Virginia. The trip’s cost was not disclosed.

On The Move

Annie Ellison has been hired as campaign manager for 12th Congressional

District Democratic nominee Danny O'Connor. Ellison most recently served as communications director for Gretchen Whitmer's campaign for Michigan governor and press secretary for U.S. Rep. Ami Bera of California. Ellison takes over for Chris Binder, who is now working as a fundraiser for the Franklin County Democratic Party.

What's Going On

8:30 a.m. – Rich Cordray, Mahoning County Democratic leaders to hold unity event: The Democratic nominee for governor, along with running mate Betty Sutton, plans to join ex-primary rival Joe Schiavoni and U.S. Rep. Tim Ryan. *761 Youngstown Kingsville Rd SE, Vienna.*

10 a.m. – The Eyes of Freedom exhibit: The interactive traveling tribute to soldiers and veterans will be on display through May 27. *Rotunda, Ohio Statehouse.*

10 a.m. – Attorney General's Task Force on Criminal Justice and Mental Illness quarterly meeting. *The State Library of Ohio, 274 E. First Ave.*

11 a.m. – Governor's wreath-laying ceremony: Gov. John Kasich and others plan to honor fallen Ohio service members as part of a Memorial Day ceremony. *West Plaza, Ohio Statehouse.*

Noon – Rep. Emilia Sykes golf outing fundraiser: Sponsor levels for the Akron Democrat range from \$125 to \$1,000. Tee times are from noon until 2 p.m.; a 5:30-7 p.m. reception will follow. *Firestone Country Club, 452 E. Warner Rd, Akron.*

1:15 p.m. – Rich Cordray to make opioid crisis-themed campaign stops: The Democratic gubernatorial nominee has stops planned in Canton at 1:15 p.m., Mansfield at 3 p.m. and Findlay at 5:15 p.m. to discuss the opioid epidemic and attack GOP rival Mike DeWine over the issue.

1:30 p.m. – Controlling Board. *North Hearing Room, Senate Building.*

6:30 to 8 p.m. – Kathleen Clyde fundraising reception: The Democratic secretary of state nominee is seeking donations between \$50 and \$1,000. The event is being held at the Pepper Pike home of Jill Miller Zimon.

Birthdays

Laura Bischoff, Dayton Daily News political reporter

Straight From The Source

"The only thing bigger than the royal wedding is the @CuyahogaDWC annual brunch AND tonight's return of @burningriver to Ohio's 8th House District. Harry and Meghan are super jealous of my life."

- Rep. Kent Smith, tweeting Saturday about the Cuyahoga Democratic Women's Caucus brunch and the Burning River Roller Derby league. Saturday was also the day Prince Harry and Meghan Markle got married at Windsor Castle in Great Britain.

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From: Westlake, Libby
Sent: Thursday, May 31, 2018 8:44 AM
To: Westlake, Libby
Subject: E-Clips for 5/31/2018

HOUSE E-CLIPS

5/31/2018



GROUP SAYS OHIO NEEDS OFFICE TO LOBBY FOR MILITARY JOBS

Ohio needs an agency that would help put the state at the forefront of military development and lobby for its current bases, a statewide committee recommended.



DEMOCRATIC GROUP ASSAILS BALDERSOON ECOT CAMPAIGN CASH

An independent organization backing Democrats launched a digital TV commercial against U.S. House Republican candidate Troy Balderson for not giving up \$10,000 in campaign contributions to the founder of defunct online school ECOT.

SPEAKER FEUD CONTINUES AS SMITH BACKERS CALL FOR IMMEDIATE VOTE

Stressing that they are not the ones keeping the House from conducting business, Rep. Ryan Smith and about 25 of his supporters gathered Wednesday to urge a speaker's vote be called as soon as Thursday.

EDITORIAL: ONLY ONE REAL CHOICE IN OHIO HOUSE SPEAKER MESS

The unprecedented breakdown of leadership in the Ohio House of Representatives is about one thing — serving one member's ambition to be speaker come January — and it's time for it to stop.



www.daytondailynews.com

BILL WOULD PUSH OHIO SCHOOLS TO OPEN AFTER LABOR DAY

A bill calling for Ohio schools to begin the academic year after Labor Day had its second hearing before the Ohio House Education Committee last week.

THE PLAIN DEALER

MIKE DeWINE SAYS RIGHT-TO-WORK IS NOT ON HIS AGENDA. SO DID GOP GOVERNORS WHO LATER SUPPORTED IT.

Attorney General Mike DeWine, the Republican nominee for governor, side-stepped questions on Wednesday about whether he would support so-called right-to-work legislation.

STATE REP. SCOTT LIPPS WEARS HIS LAST NAME WITH A SMILE

In the halls of the Ohio Statehouse, it's usually not hard to guess which lawmaker is state Rep. Scott Lipps.

PAUL RYAN TO ATTEND TROY BALDERSOHN FUNDRAISER IN SUBURBAN COLUMBUS

U.S. House Speaker Paul Ryan is set to be in suburban Columbus on Wednesday afternoon for a fundraiser on behalf of 12th Congressional District Republican nominee Troy Balderson, according to Balderson's campaign.

THE BLADE

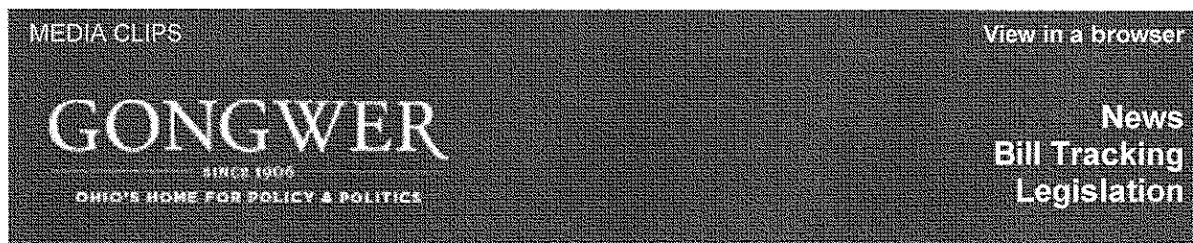
REAGAN TOKES RALLY TO PROMOTE SELF-DEFENSE, LEGISLATIVE REFORMS

In a public park less than five miles from where Reagan Tokes was killed 16 months ago, a rally will be held next week to retell her story and promote self-defense and legislative reforms to prevent that story from being repeated.

OHIO HOUSE SPEAKER CANDIDATE DEMANDS IMMEDIATE VOTE

The leading candidate to be Ohio's next House speaker insisted Wednesday on an immediate vote of the chamber rather than a change in rules to allow the current second-in-command to perform the duties of the job but without the title.

From: Gongwer News Service
Sent: Thursday, May 31, 2018 8:22 AM
To: Kasych, Shawn
Subject: Ohio Media Clips, Thursday, May 31



NEWS

Trump signs bill for terminal patients to try unproven drugs (Akron Beacon Journal, 5/31/2018)

Group says Ohio needs office to lobby for more military jobs (Associated Press, 5/31/2018)

Mike DeWine says right-to-work is not on his agenda. So did GOP governors who later supported it. (Cleveland Plain Dealer, 5/31/2018)

Paul Ryan to attend Troy Balderson fundraiser in suburban Columbus (Cleveland Plain Dealer, 5/31/2018)

Questions about funding stall Ohio bail-reform bill (Cleveland Plain Dealer, 5/31/2018)

State Rep. Scott Lipps wears his last name with a smile (Cleveland Plain Dealer, 5/31/2018)

Brown-Portman bill would give fentanyl detectors to law enforcement (Columbus Dispatch, 5/31/2018)

Democratic group assails Balderson on ECOT campaign cash (Columbus Dispatch, 5/31/2018)

Group says Ohio needs office to lobby for military jobs (Columbus Dispatch, 5/31/2018)

Speaker feud continues as Smith backers call for immediate vote (Columbus Dispatch, 5/31/2018)

Bill would push Ohio schools to open after Labor Day (Dayton Daily News, 5/31/2018)

Dayton company part of 'clean energy' movement that could create 20K Ohio jobs (Dayton Daily News, 5/31/2018)

Dems want to pin ECOT blame on GOP in fall election: What's really going on (Dayton Daily News, 5/31/2018)

Ohio House speaker candidate demands immediate vote (Toledo Blade, 5/31/2018)

Lawmakers losing patience get the promise of a light at the end of the tunnel (WDTN, 5/31/2018)

EDITORIALS

Beacon Journal/Ohio.com editorial board: Listening to voters, the ACLU of Ohio way (Akron Beacon Journal, 5/31/2018)

A troubling window into Army Corps machinations over Cuyahoga River dredge: editorial (Cleveland Plain Dealer, 5/31/2018)

Decisions made in Columbus are forcing local tax increases (Cleveland Plain Dealer, 5/31/2018)

Editorial: Only one real choice in Ohio House speaker mess (Columbus Dispatch, 5/31/2018)

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Sent: Thursday, May 31, 2018 6:15 AM
To: Kasych, Shawn
Subject: An impatient Ryan Smith predicts he'll be elected Ohio House speaker next week

Thursday, May 31, 2018

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Capitol Letter

Laura Hancock and Jeremy Pelzer



Planned Parenthood student volunteer Je'la Hopkins of Akron addresses a crowd of 90 of the organization's supporters Wednesday in front of the Ohio Supreme Court. The rally was focused on a proposal by President Donald Trump to prohibit recipients, such as Planned Parenthood, of federal family planning dollars from providing abortions or sharing information about where a woman could get the procedure, which opponents call a gag rule. (Laura Hancock /Capitol Letter)

Rotunda Rumblings

The waiting game: House speaker hopeful Ryan Smith predicted Wednesday that lawmakers will decide to hold a speaker vote June 6 (one of two options put forward by Speaker Pro Tem Kirk Schuring) and elect Smith to serve through the end of the year. During a Statehouse news conference, however, Smith and many of his legislative allies – including Democratic Rep. Bernadine Kent – pushed to hold a vote immediately, though they admitted they didn't have the 50 members needed to force the House into session. Smith said he's collected "a large number" (he

wouldn't give an exact number) of letters of support from members as a way to track how lawmakers are voting -- both on whether to hold a speaker vote next week, and, if so, who they'll vote for.

Growing apart: Schuring was one of 47 Republicans to back Smith for speaker during a caucus vote earlier this month. But since then, the Canton Republican has irked Smith – first by unilaterally canceling a speaker vote last week, then by reaching a deal with Ohio GOP Chair Jane Timken and Rep. Larry Householder (Smith's nemesis) to have Schuring preside the rest of the year. Asked about his relationship with Schuring, Smith said Wednesday, "We haven't spoke a lot lately."

Executive assistance? Speaking at the Smith news conference, Rep. Mike Duffey noted that Gov. John Kasich can call a special session of the House to vote on a speaker. "The governor has a role – we can break this logjam," the Columbus-area Republican said. But Smith was cool to the idea, saying he hasn't asked Kasich to get involved. "Honestly, this is a House issue. It should be solved with the people in the House," Smith said. Kasich previously indicated he wants to stay on the sidelines, telling reporters, "They'll figure it out."

Going under: A newly introduced bill would clarify that registered nurse anesthetists don't have to work under the immediate supervision of a physician, podiatrist or dentist. Senate Bill 301 also would allow nurse anesthetists to prescribe medication to patients before or after surgery, such as anti-nausea medicines, said Kellie Deeter of the Ohio State Association of Nurse Anesthetists, which supports the bill. Prescriptions would be limited to only those that are administered at the hospital or clinic, and not drugs patients take home, she said. A similar bill is in the House, Deeter said. But House Bill 191 was introduced in April and has only had one hearing.

Meting out a justice: An Ohio House bill would allow judges to carry firearms in courthouses. Some Ohio judges can pack heat, some cannot – depending on local rules. House Bill 622, which is being considered by the House Federalism and Interstate Relations Committee, would end the patchwork of rules to permit all judges to carry firearms, sponsor Rep. Rick Perales said. The bill comes after the August ambush-style shooting of

Jefferson County Judge Joseph Bruzzese Jr., who survived the attack. Bruzzese was also armed and exchanged gunfire with the attacker, Nathaniel Richmond, who was ultimately shot and killed by a probation officer.

Fresh START: None of the 47 Ohio families in a year-old pilot program aimed at reducing childhood trauma associated with drug abuse have dropped out, according to [a preliminary state report](#) released Wednesday. One of the families is expected to graduate from Ohio START soon. START stands for Sobriety, Treatment and Reducing Trauma, and thus far, the program has received \$400,000 from the Ohio Attorney General's office. It's serving families in 17 hard-hit counties. It is modeled after a program in Kentucky and is based on groundbreaking 1998 research about adverse childhood experiences. Children who live in homes with abuse, neglect, substance abuse or other traumas tend to have poorer life outcomes than other children. Ohio University researchers are fully evaluating the program and will produce a more comprehensive report later, the AG's office said.

Stories We're Talking About

Will he or won't he? Attorney General Mike DeWine wouldn't say Wednesday if he'd support right-to-work legislation, [cleveland.com's Seth A. Richardson reports](#). DeWine said it wasn't on his agenda, but plenty of other Republican governors have said the same thing, only to support right-to-work full-throttle after being elected.

Bail-reform bill stalled: "A statewide bail-reform bill, greeted enthusiastically by liberals and conservatives when it was introduced in December, is hung up in the Ohio House of Representatives' Criminal Justice Committee," [cleveland.com's Peter Krouse reports](#). The bill calls for judges to rely less on bail by using objective risk-assessment methods. State Rep. Nathan Manning said a major concern holding up the is how to pay for data collection.

Ryan fly-in: Republican state Sen. Troy Balderson's congressional campaign got a boost Wednesday as U.S. House Speaker Paul Ryan was the guest at a fundraiser in suburban Columbus, [Capitol Letter's Jeremy](#)

Pelzer reports. Balderson is seeking to succeed Rep. Pat Tiberi in an Aug. 7 special election against Democrat Danny O'Connor.

Betting on the future: The Toledo Blade's Jim Provance takes a look at what might lie ahead in Ohio now that the U.S. Supreme Court has cleared the way for states to legalize sports betting. "One approach would keep it within the walls of where major gambling already takes place - at the Las Vegas-style casinos in Toledo, Cleveland, Columbus, and Cincinnati and seven racetrack slots parlors," Provance writes. "Another plan would spread the wealth across the state to sports bars, restaurants, bowling alleys, and fraternal organizations like the Veterans of Foreign Wars and Elks."

Householder holding up House? The Columbus Dispatch's editorial board blames Rep. Larry Householder for the chamber being in limbo, not having a leader and not having sessions to pass laws. In its Thursday editorial, the newspaper also chronicles Householder's past as speaker and concludes, "This is not the man to restore the dignity and competence of the Ohio House."

More ECOT drama: Republican Auditor Dave Yost is seeking a formal role in the court case involving the closure of the controversial online charter school ECOT, the Associated Press reports. An audit Yost released earlier this month concludes the school might have committed fraud. Yost's Democratic opponent in the attorney general's race, Steve Dettelbach, however, says Yost should recuse himself because of his past relationship with the school and campaign contributions he received in the past from the school's founder.

Full Disclosure

Five things we learned from Rep. Fred Strahorn's April 9 financial disclosure statement. Strahorn, Dayton Democrat, is the minority leader in the Ohio House and is up for re-election in November.

1. Outside the legislature, Strahorn worked as a real estate agent for Coldwell Banker Realty, reporting having earned up to \$999 in 2017. As a lawmaker, he earned \$90,775 last year, according to the Ohio State

Treasurer's office.

2. He has a pension with the Ohio Public Employees Retirement System.
3. At some point in 2017, he owed at least \$1,000 each to Capital One and Wright-Patt Credit Union.
4. He went on a trip to Israel hosted by Ohio Jewish Communities, which gave him a \$65 plaque and paid for \$1,548.27 in flights, hotels and ground transportation, \$160.87 for a tour guide, a \$30 admission to Masada, the \$64.76 cost to swim in the Dead Sea and eat lunch and an extra \$562.46 that was associated with the trip but was unspecified what it paid for.
5. He reported Community Blight Solutions paid for \$431.03 in food and beverages during the Israel trip.

What's Going On Today

8:30 a.m. – Rob Portman to attend opioid roundtable: The Republican U.S. senator is set to participate in a discussion with the Alcohol and Drug Addiction Services Board of Lorain County, the Lorain County Drug Free Community Coalition and first responders. *The Lakehouse, Veterans Memorial Park, 32756 Lake Rd., Avon Lake.*

9 a.m. – House State and Local Government Committee: Members of the committee may amend and vote on legislation to require a percentage of state contracts to be awarded to women-owned businesses ([House Bill 492](#)) and to ban the use of gas chambers to euthanize animals ([House Bill 552](#)). *Room 116, Ohio Statehouse.*

10 a.m. – State Employment Relations Board. *12th floor, 65 E. State St.*

1:30 p.m. – Batchelder to be inducted into the Ohio Senior Citizens Hall of Fame: Ex-Ohio House Speaker Bill Batchelder and 11 others are set to be inducted during a ceremony with lawmakers and state officials. *Atrium, Ohio Statehouse.*

3 p.m. – House Aging and Long Term Care Committee: The panel may

vote on legislation designed to curb fraud against the elderly (Senate Bill 158) and give retirement credit to teacher assistants involved in county board of developmental disabilities schools and programs (House Bill 572).
Room 122, Ohio Statehouse.

Straight From The Source

"Rumpled clothing is my go-to tactic to avoid being mistaken for a lobbyist or elected official at the Statehouse."

- Hannah News Service reporter Noah Blundo, on Twitter.

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From: Capitol Letter
Sent: Tuesday, June 5, 2018 6:15 AM
To: Kasych, Shawn
Subject: 56 medical marijuana dispensary winners announced

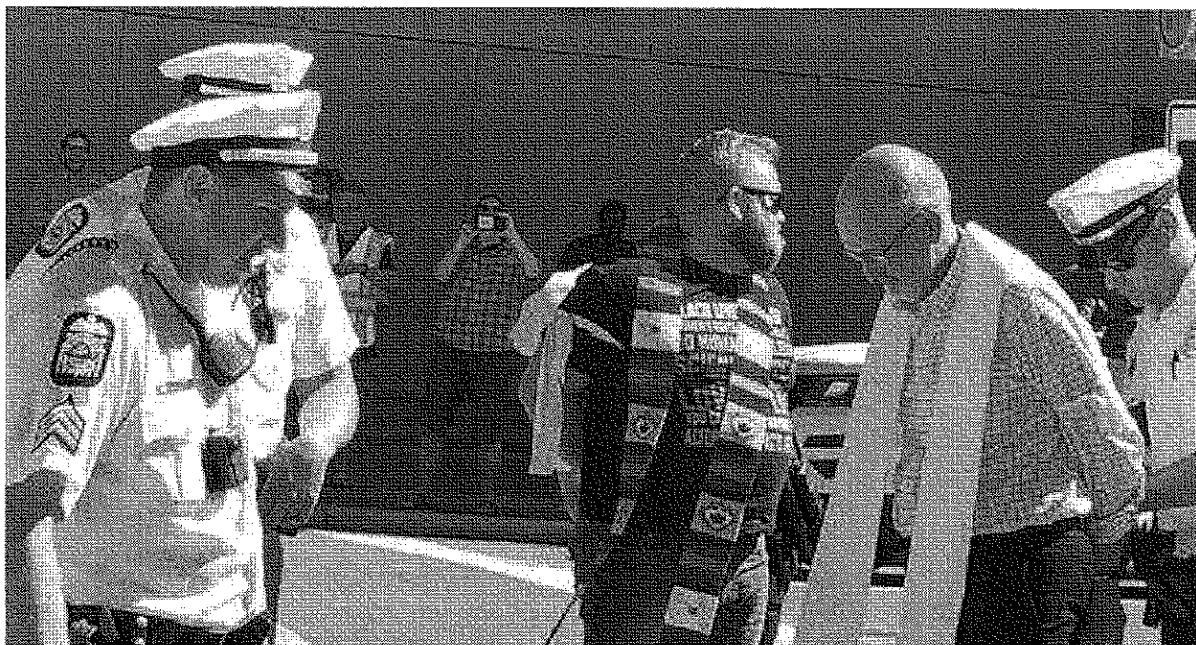
Tuesday, June 5, 2018

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Capitol Letter

Laura Hancock and Jeremy Pelzer



Columbus police arrested nine demonstrators with the Poor People's Campaign who had been in the street during Monday afternoon rush hour, including Dan Clark, in the colorful stole, pastor at St. John's Church in Columbus, and Roger Osgood, in the white stole, pastor of Heights Christian Church in Shaker Heights. The campaign, which demonstrated near the Ohio Statehouse, wants

renewable energy, universal health care, services for people with disabilities and a repeal of the 2017 federal tax law, among other issues. (Laura Hancock/cleveland.com)

Rotunda Rumblings

Pot shops: The state announced 56 winners of provisional medical marijuana dispensaries Monday. Want to know if any shops will be in your town? [Cleveland.com](#)? 9s Jackie Borchardt has the list and their addresses.

Voting help, at your service: New Ohio Senate legislation would require the secretary of state to create an office specifically to help military service members vote absentee while on active duty. Under [Senate Bill 305](#), the Office for the Uniformed Services Absent Voter would educate military voters before they deploy about their voting options and would be notified when a voter may miss an election because they're on active duty. Bill sponsor Sen. Frank LaRose, the Republican nominee for secretary of state who served overseas as a U.S. Army Green Beret, stated in a letter to his Senate colleagues that a 2014 poll found two-thirds of military personnel were not confident their vote would be counted or found the absentee-voting process overly complex.

Supreme score: The company that chops up a "slag mountain" near Youngstown to turn it into road-building material is entitled to a reduction in state taxes, [the Ohio Supreme Court ruled last week](#). The court unanimously decided that the Ohio tax commissioner wrongly assessed the tax owed on repair parts and fuel for machinery that Lafarge North America uses to break slag, a byproduct of the steel-making process.

Recounting the details: Republican 12th Congressional District candidate Melanie Leneghan has requested a \$2,880 recount in 48 precincts across four counties, according to a letter sent to [Franklin County elections officials](#). Leneghan, who lost the May 8 primary to state Sen. Troy Balderson by 653 votes, has asked for a recount in 21 precincts in Franklin County, 16 in Muskingum County, six in Licking County and five in Delaware County. The recount is set to start on Wednesday and could take several days, according to elections officials. Leneghan only asked to re-tabulate votes in the primary in which Balderson was nominated for the

November election. The November winner will serve a full two-year term beginning next year. She did not challenge a primary the same day in which Balderson won the GOP nomination for an Aug. 7 special election. The winner of that election will only serve until the end of this year.

Scheduling note: While the Ohio House appears close to ending the deadlock over electing an interim speaker, it's still unclear when the chamber might start addressing its growing backlog of bills. According to House Republican spokesman Brad Miller, the election for speaker will be the only item on Wednesday's House agenda, and it hasn't yet been decided when the House would meet after that to vote on legislation before breaking for the summer.

Have your cake: The U.S. Supreme Court ruled in favor of a Colorado baker who refused to make wedding cakes for same-sex couples on religious grounds, reports cleveland.com's Sabrina Eaton. The case doesn't allow store owners to discriminate against same-sex couples broadly, but instead focused on Colorado officials' comments during the case, which the court found violated the baker's First Amendment rights.

"Trade wars are good, and easy to win": If you pulled Canada in your office trade war pool, congratulations. You're the winner. Canadian Prime Minister Justin Trudeau announced he would impose retaliatory tariffs, and Ohio would be one of the hardest hit in the nation with \$1.75 billion in goods affected. Cleveland.com's Robin Goist breaks down what industries might feel the squeeze.

It's not even vest season: Multiple agents with the Bureau of Criminal Investigation are wearing vests that are completely out of style – so much so that they are expired and potentially dangerous to the officers. Julie Carr Smyth of the Associated Press reports on a union complaint that listed 53 of 99 special agents, investigators and personnel transport workers whose Kevlar vests are past the five-year expiration date.

Mental health: It's been 10 years since the state closed Twin Valley – the inpatient psychiatric hospital in Dayton – and the move has proved to be a drain on resources, according to the Daily Dayton News. Instead of having a place to house patients with mental illnesses, law enforcement is often

dispatched to do so after they commit a crime.

Surprising the competition: The districts in Ohio are gerrymandered to favor Republicans, but the current political climate has at least two congressional Republicans playing defense, Jack Torry of The Columbus Dispatch writes. U.S. Rep. Steve Chabot has a competitive race in the Cincinnati area against Hamilton County Clerk of Courts Aftab Pureval in a district that could flip. But also playing D is U.S. Rep. Bob Gibbs, who is facing an aggressive campaign from veteran Ken Harbaugh.

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Full Disclosure

Five things we learned from state Rep. John Boccieri's April 9 financial disclosure statement. Boccieri, a Mahoning County Democrat and former congressman, is running this November for Senate District 33.

1. In addition to working as a state lawmaker, he also works as a pilot with United Airlines and as a pilot and squadron commander with the U.S. Air Force Reserve.
2. On top of his annual legislative salary of \$60,584, Boccieri's two other jobs as a pilot each earned him \$50,000 to \$99,999 in 2017.
3. He listed investments of at least \$1,000 each in more than a dozen mutual funds, as well as in 19 different stocks and exchange-traded funds ? 3 including Google and Berkshire Hathaway.
4. During 2017, the Ohio House of Representatives reimbursed him \$4,330 in official travel expenses.
5. Boccieri also holds licenses to sell property, casualty, life and health insurance, as well as products such as mutual funds and variable annuities.

On the Move

Brittany Warner has been hired as director of communications for Republican Mike DeWine's gubernatorial campaign. She's moving over from managing Sen. Frank LaRose's Republican campaign for secretary of state. A former Ohio Republican Party spokeswoman, Warner got the job after Ryan Stubenrauch, who handled communications for DeWine's campaign during the primary, left for a private media consulting firm.

Grant Shaffer is LaRose's new campaign manager. Shaffer worked for Lt. Gov. Mary Taylor's gubernatorial campaign and New Day for America, the super PAC that supported Gov. John Kasich's presidential bid.

Joshua Eck has officially been named the DeWine campaign's press secretary and spokesman; the former secretary of state spokesman has already been handling similar duties for the campaign.

Michael Hall will serve as the DeWine campaign's policy director. Hall most recently worked as a partner in the public affairs and government law group at Ice Miller, a Columbus law firm.

Birthdays

Erin Sutter, Buckeye Institute's manager of strategic partnerships

Straight From The Source

"This is a big win for the First Amendment and religious freedom, and a brutal defeat for government activists who are hostile to people of faith."

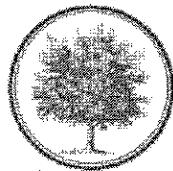
- Ken Blackwell, a Republican and former Ohio secretary of state and treasurer, commenting on Twitter about Monday's U.S. Supreme Court ruling that a Colorado baker can refuse on religious grounds to make a wedding cake for a gay couple.

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Sent: Tuesday, June 5, 2018 11:21 AM
To: Kasych, Shawn
Subject: The Buckeye Institute Urges Ohio Policymakers to Pursue Systemic Tax Reform



THE BUCKEYE INSTITUTE

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FOR IMMEDIATE RELEASE
June 5, 2018

The Buckeye Institute Urges Ohio Policymakers to Pursue Systemic Tax Reform

Greg Lawson Testifies Before the Ohio House Ways and Means Committee

Columbus, OH -- The Buckeye Institute's Greg R. Lawson testified today (see full text below or [download a PDF](#)) before the Ohio House Ways and Means Committee on House Bill 333.

In opening his testimony, Lawson noted that "nullifying tax penalties and making the tax code fairer for taxpayers is...laudable" and, quoting from a study by the American Enterprise Institute and the Brookings Institute, further highlighted the "significant correlation between marriage, poverty, and economic growth."

Lawson also noted that the "new marriage neutrality is only necessary because Ohio's tax code remains tragically progressive," and went on to say the policy "addresses but one symptom of a bed-ridden patient without offering any lasting cure."

The cure, Lawson said, is systemic change to Ohio's tax code that would include reforming the municipal income tax structure and would create a tax system that is pro-growth,

simple, transparent, fair, and equitable, as outlined in Buckeye's *Tax Reform Principles for Ohio*.

Lawson applauded the efforts of policymakers to eliminate Ohio's marriage penalty, but urged them to pursue "fundamental changes" that will spur economic growth and help families "climb the ladder of prosperity."

#

**Interested Party Testimony Before the Ohio House
Ways and Means Committee on House Bill 333**

**Greg R. Lawson, Research Fellow
The Buckeye Institute
June 5, 2018**

Chairman Schaffer, Ranking Member Rogers, and members of the Committee, thank you for the opportunity to testify today regarding House Bill 333.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

House Bill 333 will annul the "marriage penalty" currently wedded to Ohio's personal state income tax. Nullifying tax penalties and making the tax code fairer for taxpayers is, of course, laudable. Eliminating this particular penalty -- and thereby encouraging, rather than discouraging marriage -- is especially worthwhile considering the significant correlation between marriage, poverty, and economic growth.

Last year, for instance, the American Enterprise Institute (AEI) and Brookings Institute found that "Less than half of poor Americans age 18 to 55 (just 26 percent) and 39 percent of working-class Americans are currently married, compared to more than half (56 percent) of middle- and upper-class Americans,"[1] indicating a strong connection between the matrimonial bond and economic status.

Using "models that control for a range of factors...that might otherwise confound the family-economy link at the state level," an earlier AEI study concluded in 2015:

"Higher levels of marriage, and especially higher levels of married-parent families, are strongly associated with more economic growth, more economic mobility, less child

poverty, and higher median family income at the state level in the United States. When we compare states in the top quintile of married-parent families with those in the bottom quintile, we find that being in the top quintile is associated with a \$1,451 higher per capita GDP, 10.5 percent greater upward income mobility for children from lower-income families, a 13.2 percent decline in the child poverty rate, and a \$3,654 higher median family income."^[2]

Thus, on purely socio-economic policy grounds, policymakers should reduce if not eliminate disincentives to marry. The tax code's disincentives or the so-called "marriage penalties" arise when two people with similar incomes get married and jointly file their tax returns.^[3] When the newly-weds combine their incomes and file jointly, they enter a higher bracket than if they chose to remain single and file separately.^[4] This higher tax liability penalizes marriage -- effectively using the tax code to pick winners (those who do not marry) and losers (married couples filing jointly). When governments pick winners and losers, people tend to suffer.

HB 333 offers relief to a large number of Ohio families currently losing an unfair tax game because it allows married joint-filers to claim a new tax credit such that they would pay no more than if they could legally file separately. Such tax relief is good.

But HB 333's new marriage neutrality, of course, is only necessary because Ohio's tax code remains tragically progressive. Describing the similarly progressive federal tax code's "marriage penalties," Congress' Joint Committee on Taxation once explained:

"The current tax system is progressive: as a taxpayer's income rises, the tax burden increases as a percentage of income. It also taxes married couples with equal income equally: it specifies the married couple as the tax unit so that married couples with the same income pay the same tax. However, it is not marriage neutral."^[5]

Although HB 333 takes a positive step forward in the fight against unfair taxation, it is important to recognize its limitations. It addresses but one symptom of a bed-ridden patient without offering any lasting cure. Even after HB 333 nullifies the state's marriage penalty, Ohio will still suffer from its growth-killing disease: progressive taxation. Indeed, after accounting for the state's municipal income tax structure -- the worst local tax system in America -- Ohio ranks in the upper half of the nation in combined state and local tax burden.^[6] And removing the state's marriage penalty, unfortunately, will not do enough to change that.

More systemic changes are needed. As The Buckeye Institute explained in our *Tax Reform Principles for Ohio*,^[7] the state's tax code should be pro-growth, simple, transparent, fair,

and equitable.[8] Flatter taxes on broader bases, without special exemptions, will lower the tax burden and spread their cost more evenly and fairly among taxpayers. Streamlining and simplifying the local tax structure will help, too. So although we applaud the efforts to end the state's marriage penalty, more fundamental work remains to be done. Settling only for superficial remedies without pursuing more fundamental changes, without working to structurally reform the state's progressive taxation, Ohio will continue to be plagued by mediocre economic growth that has kept families from climbing the ladder of prosperity for decades.[9]

Thank you for your time and consideration. I welcome any questions the Committee might have.

[1] W. Bradford Wilcox and Wendy Wang, *The Marriage Divide: How and Why Working-Class Families are More Fragile Today*, The American Enterprise Institute and Brookings Institute, September 2017.

[2] W. Bradford Wilcox, Robert I. Lerman, and Joseph Price, *Strong Families, Prosperous States: Do Healthy Families Affect the Wealth of States?*, American Enterprise Institute, October 19, 2015.

[3] Kyle Pomerleau, *Understanding the Marriage Penalty and Marriage Bonus*, Tax Foundation, April 23, 2015.

[4] *Ibid.*

[5] Staff for the Joint Committee on Taxation, *Fairness and Tax Policy*, Joint Committee on Taxation, March 3, 2015.

[6] Katherine Loughead, *State and Local Individual Income Tax Collections Per Capita*, Tax Foundation, May 31, 2018.

[7] Rea Hederman Jr., Tom Lampman, Greg R. Lawson, and Joe Nichols, *Tax Reform Principles for Ohio*, The Buckeye Institute, February 2, 2015.

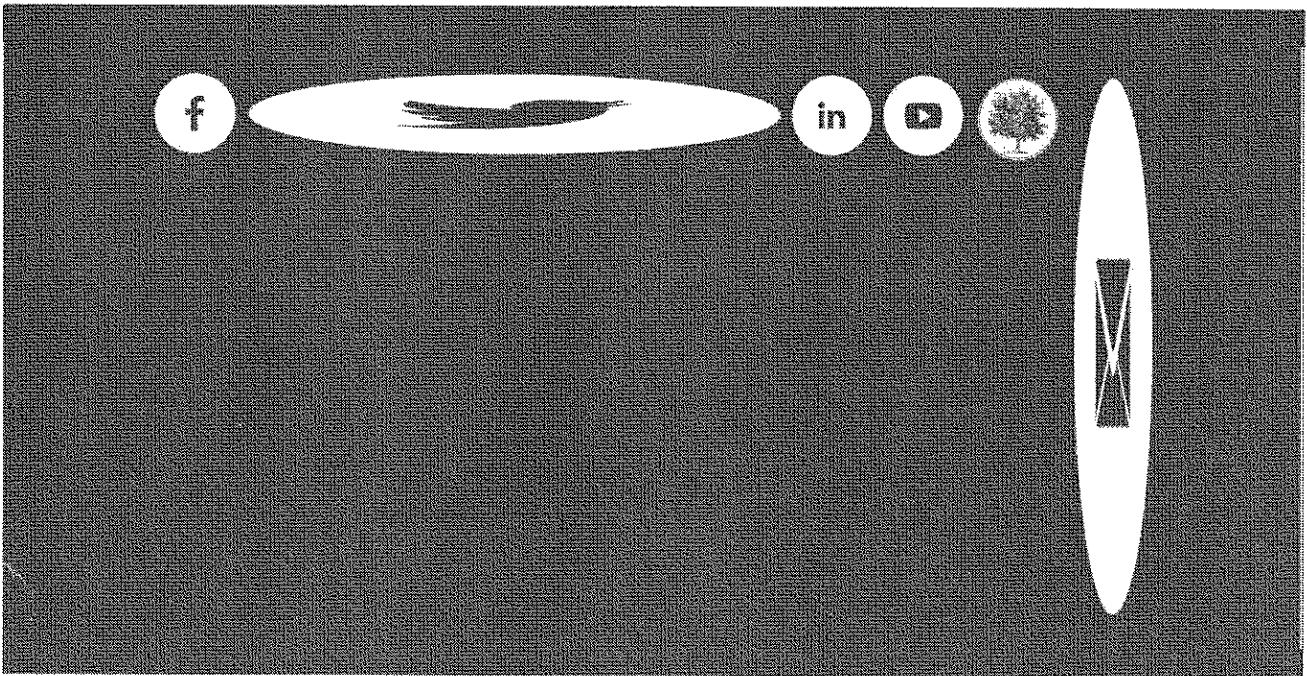
[8] *Ibid.*

[9] Rich Exner, *Ranking Ohio Governors for Jobs: John Kasich's Current Term is a Lot Like Ted Strickland's Record vs. the U.S.*, Cleveland.com, May 22, 2018.

#

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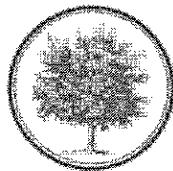
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Sent by info@buckeyeinstitute.org

From: The Buckeye Institute
Sent: Wednesday, June 6, 2018 5:37 PM
To: Kasych, Shawn
Subject: The Buckeye Institute: Energy Mandates and Subsidies Harm Ohio's Economy



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
June 6, 2018

The Buckeye Institute: Energy Mandates and Subsidies Harm Ohio's Economy

Greg Lawson Testifies Before the Ohio Senate Energy and Natural Resources Committee

Columbus, OH -- The Buckeye Institute's Greg R. Lawson testified today (see full text below or [download a PDF](#)) before the Ohio Senate Energy and Natural Resources Committee on House Bill 114.

In setting the context for his testimony, Lawson told policymakers that The Buckeye Institute "support[s] renewable energy and encourage[s] the growth of the renewable energy industry in Ohio. But we do not support government-imposed energy mandates of any kind. Our position against government mandates extends far beyond the renewable energy sector...The Buckeye Institute consistently opposes any mandates, subsidies, or bailouts for any energy resource."

Lawson went on to outline the harm Ohio's Renewable Portfolio Standard (RPS), even the lower standards in the Senate's version of House Bill 114, would inflict on the state's economy. "If the RPS mandates cap out at 8.5 percent, as proposed in the substitute version of House Bill 114, and the price of renewable energy credits increases to historical highs, we expect employment to be 1.4 percent less and the state's GDP to be 1.3 percent smaller.

Such reductions will mean 63,000 fewer jobs in Ohio by the time the RPS is fully implemented."

Reminding policymakers that the RPS functions like a tax on electricity "by increasing the product's price without providing the consumer with any additional benefit or value," Lawson highlighted the reliability of Buckeye's dynamic macroeconomic model over static input-output models in assessing potential economic impacts of policies like RPS. "Input-output models fail to account correctly for behavioral changes such as the effects that a price increase has on electricity demand and total output -- especially in energy-intensive industries...Thus, unlike other studies, our analysis accounts for economic realities like higher electricity prices and non-green sector layoffs rather than assuming or wishing them away."

#

**Interested Party Testimony Before the Ohio Senate Energy
and Natural Resources Committee on House Bill 114**

**Greg R. Lawson, Research Fellow
The Buckeye Institute
June 6, 2018**

Chairman Balderson, Vice Chair Jordan, Ranking Member O'Brien, and members of the Committee, thank you for the opportunity to testify today regarding renewable energy and House Bill 114.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

Members of this committee have diligently worked to find a responsible path forward for Ohio's renewable energy policy. And we appreciate that. We also recognize that the Renewable Portfolio Standard (RPS) would be modified in the Senate's substitute version of House Bill 114 to max out at 8.5 percent in 2022 rather than continue the march up Mandate Mountain to 12.5 percent in 2026 as under current law. Although that substitution certainly improves the status quo, we do not support Ohio having any RPS mandate.

To be clear, we support renewable energy and encourage the growth of the renewable energy industry in Ohio. But we do not support government-imposed energy mandates of any kind. Our position against government mandates extends far beyond the renewable

energy sector. As our previous testimony against the Ohio Valley Electric Company bailouts[1] and the Zero Emissions Nuclear Resource Program[2] made clear, The Buckeye Institute consistently opposes any mandates, subsidies, or bailouts for any energy resource.

On principle, we maintain that all customers, whether residential, commercial, or industrial, should remain free to use and purchase from a menu of energy options voluntarily.

Government mandates that require quotas and compelled consumption not only infringe upon such freedom but are, in fact, unnecessary in today's energy market.

The Business Council for Sustainable Energy recently found, for example, that 18 percent of all energy generation in the United States comes from renewable sources,[3] which means that consumers are already choosing renewable energy. Furthermore, large renewable energy consumers like Amazon and EnerBlu just enlarged their footprint in Kentucky, right next door -- and Kentucky does not have renewable energy mandates.[4] EnerBlu, in fact, relocated its headquarters to Kentucky just this spring.[5] Other financial incentives perhaps enticed these companies to expand in Kentucky, but they did so voluntarily, choosing a non-RPS state over Ohio.

As they make Ohio less attractive and less competitive for businesses, energy mandates will generate their own harmful downstream effects on the state's economy.

Last year, The Buckeye Institute's Economic Research Center used its dynamic macroeconomic model to study the potential effects of Ohio's current RPS program under four different scenarios (explained in the **attached Appendix**).[6] Using historical data from the Public Utilities Commission, we calculated the percent increase in electricity prices caused by the cost of RPS compliance. Under the RPS, electricity providers purchase renewable energy credits -- or RECs -- which add expenses above and beyond the cost of buying and distributing wholesale electricity. Providers pass that additional cost on to consumers. Thus, RPS functions very much like a tax on electricity by increasing the product's price without providing the consumer with any additional benefit or value. Our dynamic economic model applied past and projected price increases caused by RPS to estimate the effect of this tax on state GDP and employment growth. The results, though not surprising, should concern this Committee as the model revealed that RPS reduces Ohio's GDP and curbs job growth across the state by increasing the costs of producing energy.

If, for example, the RPS mandates cap out at 8.5 percent, as proposed in the substitute version of House Bill 114, and the price of renewable energy credits increases to historical highs, we expect employment to be 1.4 percent less and the state's GDP to be 1.3 percent smaller. Such reductions will mean 63,000 fewer jobs in Ohio by the time the RPS is fully

implemented. Even if REC prices remain constant at historical lows as the mandates resume to 8.5 percent, Ohio will employ 25,400 fewer people and produce nearly \$2.8 billion less output by the final year of compliance.[7]

Advocates of the RPS mandates contend that increasing investments and job growth in the renewable energy sector offsets the program's economic costs and losses. Our model accounts for such green job growth. By using Ohio's historical RPS, electricity, and employment data, our model calculates green job growth and changes to non-green sectors attributable to the mandate. The model found that green job growth did not make up for the heavier job losses in other sectors.

Other studies, of course, claim to find economic benefits from RPS programs. Our model and analysis, however, better reflects the likely economic effects of the policy because it is closely tailored to the renewable mandate and does not conflate RPS costs with reduced bills from energy-efficiency mandates. Moreover, our fully documented and transparent model is dynamic, showing changes over time, and does not rely on a static input-output analysis.[8]

Dynamic economic models are better suited than static input-output models for assessing the potential economic impacts of policies like RPS. Input-output models fail to account correctly for behavioral changes such as the effects that a price increase has on electricity demand and total output -- especially in energy-intensive industries.[9] In other words, static input-output models incorrectly assume that green jobs will be created without taking resources away from other, non-green sectors of the economy. In theory, however, the increase in electricity prices caused by the RPS should force job losses and reductions in hiring growth in other sectors that do not receive the benefits of the mandate -- and our findings confirm that theory. Thus, unlike other studies, our analysis accounts for economic realities like higher electricity prices and non-green sector layoffs rather than assuming or wishing them away.

Before concluding, I would like to highlight a problem with the current and proposed wind turbine setback rules. The current rule restricts the wind energy industry too severely. Unfortunately, House Bill 114 proposes a flawed solution to the current restrictions that will likely do further damage to property rights in Ohio.

Wind setback rules create a classic property rights conflict. Landowners have a right to place windmills on their property, but their neighbors also have a right to enjoy their own property. Unfortunately, the current setback rule -- requiring the consent of every neighbor adjacent to the proposed windmill -- fails to answer this rudimentary property law question correctly. Neighbors should not hold an absolute veto power over what other property

owners may and may not do on their own land. But the proposed solution in House Bill 114 that reduces the setback distance between the windmill and the neighbors is unsatisfactory as well because it infringes upon the neighbors' right to enjoy their property free of windmills.

The answer lies in compensation. Landowners who want windmills should be required to pay their neighbors fair compensation for the windmills' effect on the neighbors' enjoyment of their property. State law should embrace and recognize the property interests of both parties -- without subjugating one to the other -- and facilitate negotiations for fair compensation that must be paid to directly affected landowners. Preserving vetoes and shrinking setbacks are well-intended, half-measures that unfortunately threaten to exacerbate the current conflict rather than resolve it.

Thank you for your time. I would be happy to answer any questions from the Committee.

[1] Greg R. Lawson, research fellow, The Buckeye Institute, Testimony Before the Ohio House Public Utilities Committee, "Utility Subsidies Hurt Competition and Hurt Ohio," October 3, 2017.

[2] Joe Nichols, *An Ohio Cure for the Nuclear Subsidy Contagion*, Akron Beacon Journal/Ohio.com, July 18, 2017.

[3] 2018 Fact Book: Sustainable Energy in America, Executive Summary, Bloomberg New Energy Finance and the Business Council for Sustainable Energy, February 15, 2018.

[4] Dees Stribling, *Amazon Moving Ahead With Prime Air Hub at Cincinnati/Northern Kentucky International Airport*, Bisnow National, May 4, 2018.

[5] EnerBlu Completes Relocation of Corporate Headquarters to Lexington, Kentucky, EnerBlu press release, May 2, 2018.

[6] Orphe Divounguy PhD., Rea S. Hederman Jr., Joe Nichols, and Lukas Spitzwieser, *Economic Research Center Analysis: The Impact of Renewables Portfolio Standards on the Ohio Economy*, The Buckeye Institute, March 3, 2017.

[7] REC prices likely will rise for three reasons. First, demand for RECs will grow as (1) annual compliance targets increase in states with existing RPS laws, (2) many states (e.g., New York and California) seek to increase existing or implement new RPS targets, and (3) companies (e.g., Amazon and Facebook) seek to offset more of their fossil fuel- and nuclear-generated electricity with renewables. Second, the demand for RECs will likely outpace the supply of renewable energy, causing REC prices to rise. Building new renewable generation sources greatly depends on federal tax credits and subsidies -- and the most significant of those are scheduled to sunset within the next three to seven years (i.e., 2020 for wind and 2024 for solar). With the Trump Administration in office for at least two more years, new federal support and regulations favoring renewable generation investments appear less likely.

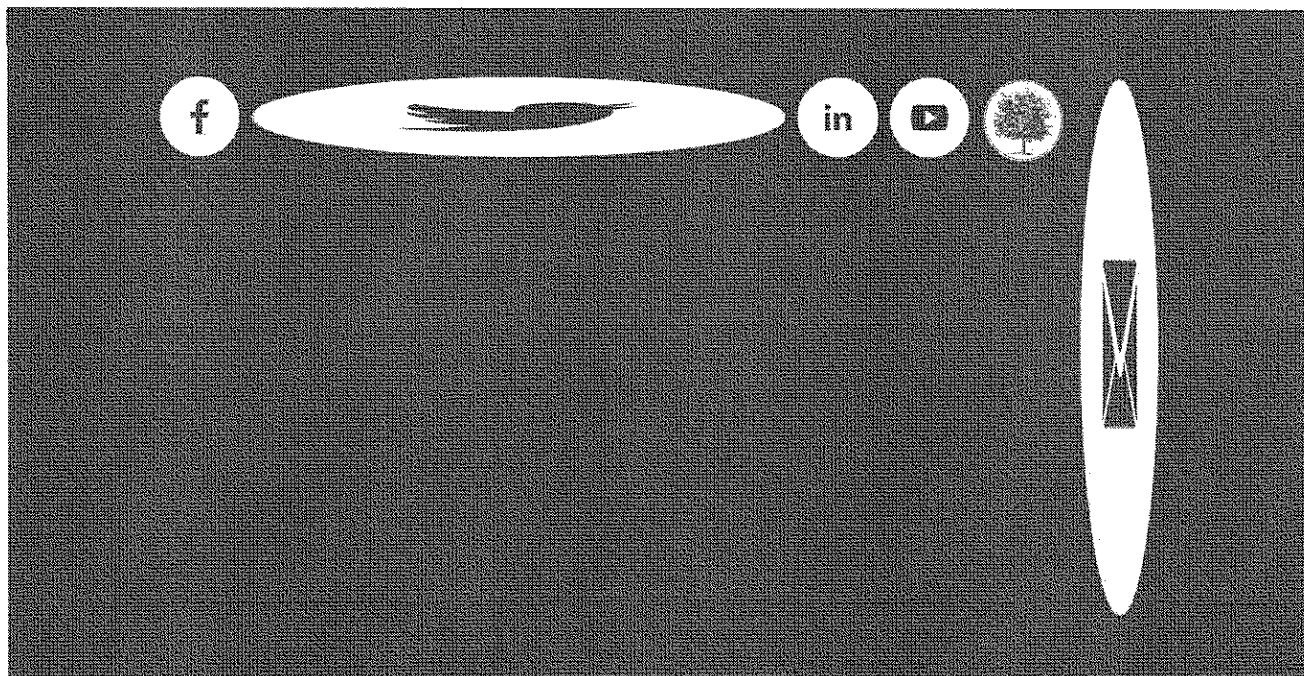
[8] Larry Dwyer, Peter Forsyth, and Ray Spurr, "Assessing the Economic Impacts of Events: A Computable General Equilibrium Approach," *Journal of Travel Research*, Volume 45, Issue 1 (August 2006) p. 59-66.

[9] *Ibid.*

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Sent by info@buckeyeinstitute.org

From: Capitol Letter
Sent: Friday, June 8, 2018 6:15 AM
To: Kasych, Shawn
Subject: Payday loan restrictions among long list of measures adopted by House

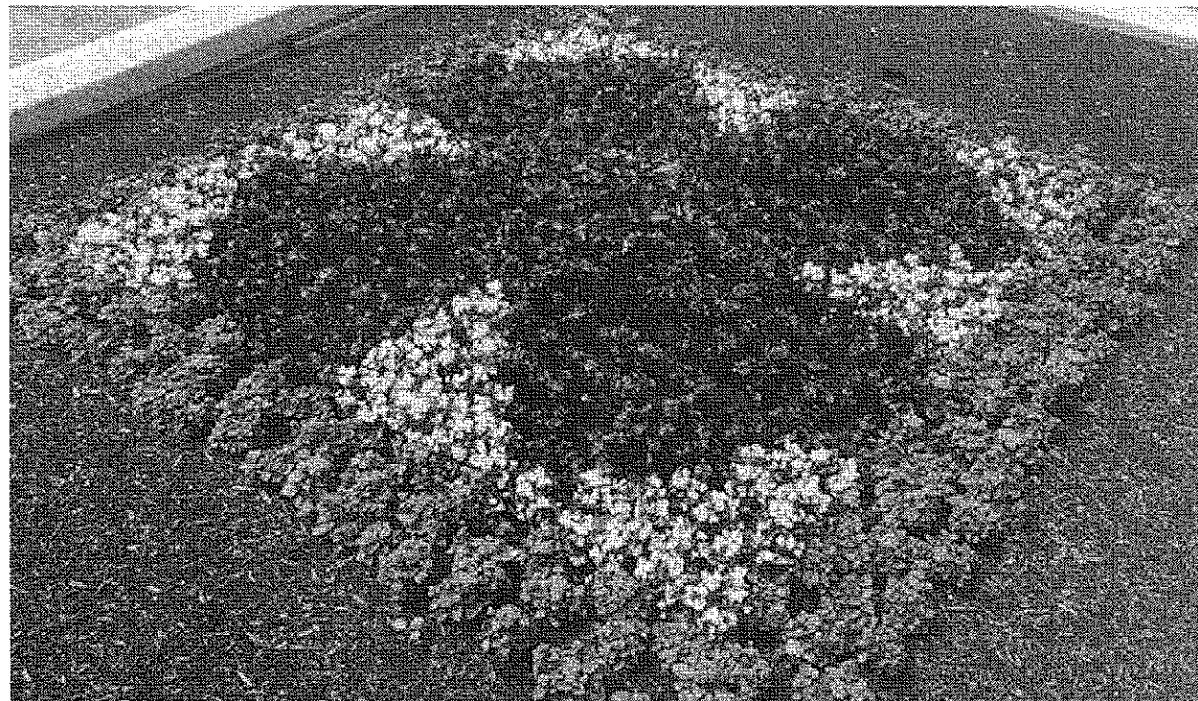
Friday, June 8, 2018

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Capitol Letter

Laura Hancock and Jeremy Pelzer



A garden bed on the north side of the Ohio Statehouse showcases a poppy quilt design to commemorate the 100th anniversary of the end of World War I. (Laura Hancock/cleveland.com)

Rotunda Rumblings

The long and winding road: Meeting for a voting session for the first time in about eight weeks, the House adopted a long list of bills, including a measure that would restrict payday lenders' rates to 28 percent, down from an average 591 percent, writes cleveland.com's Laura Hancock. House Bill 123 now heads to the Senate, where there are plenty of opportunities for the bill to be altered or to sink.

Payday lender or loan shark? Is there really a difference between those two terms. Cleveland.com's Eric Heisig has a piece exploring the question, along with some interesting history on the short-term loan.

One step for man, one giant leap for dogkind... Hancock reports that dogs are one step closer to lawfully accompanying their people to dinner, as long as they're chilling in outdoor restaurant patios. The Ohio Senate passed a measure to allow restaurant owners to choose if they want pups on patios.

Clearing the backlog: In all, the Ohio House on Thursday passed 17 bills, including measures to prohibit hospitals from forcing nurses to work overtime (House Bill 456) and allow payouts to Ohioans who are wrongfully imprisoned because of withheld evidence (House Bill 411). House members also concurred with the Senate's changes to an additional 11 bills. Among them: House Bill 225, which aims to help plug 700 orphaned and abandoned oil and gas wells in the state.

Leneghan to challenge OH-12 results: Republican Melanie Leneghan is drawing up paperwork to contest the results of last month's 12th Congressional District primary, claiming Muskingum County elections officials violated Ohio law by opening ballot containers before starting a recount. But an Ohio secretary of state's office spokesman told cleveland.com's Jeremy Pelzer that "there doesn't appear to be anything improper going on."

More cones of shame could come to Ohio: The House adopted a bill to

give veterinarians continuing education credit for offering free spay and neuter services. House Bill 433 heads to the Senate.

Pay raises ahead: The House also undertook a number of bills that had been adopted by the Senate and contained “emergency clauses,” or time-sensitive provisions. One of those bills was House Bill 292. Two weeks ago the Senate amended the bill to give 11,000 exempt state employees who are not members of unions a 2.75 pay raise to match the raise Ohio’s largest public employees union had negotiated in its collective bargaining agreement. The raise will go into effect, assuming Gov. John Kasich signs it, during the pay period that includes July 1.

Commercial break is over: A month after the barrage of 12th Congressional District primary television ads stopped, a new wave of special-election ads is about to hit the Central Ohio airwaves. The Congressional Leadership Fund, a super PAC with ties to House GOP leadership, has purchased \$165,000 worth of broadcast TV ads between Friday and next Tuesday, according to Medium Buying, a political ad tracker.

Chairman Ryan: House Speaker Ryan Smith used to chair the influential House Finance Committee and has now given that job to Rep. Scott Ryan, a Columbus-area Republican.

A little work, a little play? Since the Ohio House went without a session for roughly eight weeks as a battle over the next speaker dragged on, new Speaker Ryan Smith has a full schedule planned for the chamber for the rest of the month – a time when lawmakers are usually on recess. The House will meet on June 20 and June 27, according to an updated House schedule. Smith said there will be a light committee meeting schedule, if any meet at all.

PEP in their step: PEP Connections, a Cuyahoga County behavioral health program for at-risk youth, will stay afloat for at least another year thanks to an appropriation added to a medical anti-discrimination bill, if Kasich signs off, cleveland.com's Jackie Borchardt reports. The program faced a funding cliff July 1 because the state was ending a decades-long Medicaid waiver covering some of its costs to coincide with moving

Medicaid behavioral health care payments to the managed care model. House Bill 332 gives the program \$2.5 million to use this year, and lawmakers hope the program can be replicated across the state.

Getting their day in (administrative) court: Hearings resume this month for medical marijuana cultivation applicants who appealed the state's licensing decisions, [Borchardt reports](#). The Department of Commerce put the hearings on hold in February after it discovered a scoring error and hired Ernst & Young to make sure scores for all 185 applicants checked out. The agency released Ernst & Young's initial report validating those scores on Thursday.

Your brain on drugs: The White House has a new anti-opioid ad campaign designed for shock value. It features the true stories of young people , including one from Ohio, who go to desperate lengths ? 3 including breaking their own bones – to get the addictive painkillers. [Cleveland.com's Sabrina Eaton has the details and video of the commercials.](#)

Get out of my way: U.S. Rep. Dave Joyce has introduced a bipartisan bill that would keep the federal government from interfering with states like Ohio that have legalized marijuana, [Eaton reports](#). "We should trust the people of the states, like Ohio, who have voted to implement responsible common-sense regulations and requirements for the use, production, and sale of cannabis," said a statement from Joyce. "If the people of these states have decided to provide help for those veterans and others suffering from pain and other health issues, we should allow them access without government interference."

Uncle Joe supporting Sherrod: Former Vice President Joe Biden will headline a fundraiser for U.S. Sen. Sherrod Brown in Cleveland later this month, [reports cleveland.com's Andrew Tobias](#). The appearance suggests Biden, a possible 2020 contender, is keeping his contacts fresh with Ohio Democrats. Brown is running for re-election against Republican U.S. Rep. Jim Renacci.

Kasich in Foreign Affairs: Ohio Gov. John Kasich laid out his case for a more open and globally engaged America in a [lengthy piece that published](#)

in Foreign Affairs on Thursday. The essay, which touches on things like international trade, immigration and diplomacy with China, is the latest expression of Kasich's ongoing "Two Paths" mantra rebuking President Donald Trump.

Luck of the draw: Year-over-year revenues at gambling facilities in the Cleveland area in May were down 5 percent, while elsewhere across Ohio they were flat, writes cleveland.com's Rich Exner. An executive for JACK Casino in Cleveland said the drop is "100 percent attributable" to slightly luckier outcomes for players at the casino's table games.

Federal judges nominated: President Donald Trump on Thursday nominated two young attorneys to federal judicial spots on the 6th U.S. Circuit Court of Appeals in Cincinnati, Heisig writes. They are Eric Murphy, 39, and Chad Readler, 45. Murphy is the state solicitor under Attorney General Mike DeWine. Readler is a the principal deputy assistant attorney general in the Justice Department's civil division, and previously was chairman of the board for the Ohio Alliance for Public Charter Schools. Sen. Sherrod Brown said he would not support the nominees because he's not convinced they will support the rights of Ohioans, Heisig reports.

On the outs: "Ohio House Democrats took the highly unusual step Thursday of voting to kick Rep. Bernadine Kennedy Kent out of their caucus — and one or more of them are considering taking legal action against her," writes Jim Siegel of the Columbus Dispatch. Kennedy Kent, of Columbus, drew the ire of her colleagues when she wrote a letter to city officials using the signatures of members of the Ohio Legislative Black Caucus without their permission, Siegel reports.

Full Disclosure

Five things we learned from Springfield Republican Rep. Kyle Koehler's April 9 financial disclosure statement.

1. Koehler's first name actually is Jerome.
2. He reported earning \$100,000 or more in 2017 as vice president of

design at K.K. Tool Co. He earned \$65,476 last year as a representative, according to the Ohio Treasurer's office.

3. He received \$113.76 in gifts or meals from lobbyists last year, including a \$51.74 unspecified gift from the Ohio Quarter Horse Association and attended Alvis Inc.'s 180 Degree Impact Luncheon, worth \$50.
4. The Ohio House Republican Organizational Committee paid \$2,371.20 for Koehler's travel.
5. At some point in 2017 he owed at least \$1,000 to Ally on a car loan, MBNA on a car loan and an MBNA credit card.

Birthdays

Amanda Wurst, vice president of communications, Remington Road Group

Straight From The Source

"The problem with this approach is, I think you're seeing an escalation that may result in both higher tariffs -- which is bad for our exporters, our farmers, our service providers, our factory workers – but also bad for our consumers because you're going to see tariffs or taxes going up on both sides." 0

- Republican Ohio U.S. Sen. Rob Portman [on CNN](#) discussing the White House's approach in negotiating the North American Free Trade Agreement with Canada at a time when President Donald Trump has announced tariffs.

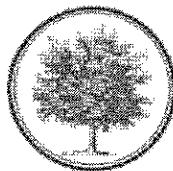
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From: The Buckeye Institute
Sent: Monday, June 11, 2018 2:46 PM
To: Kasych, Shawn
Subject: U.S. Supreme Court Cites The Buckeye Institute's Brief in Upholding Ohio's Election Integrity Law



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
June 11, 2018

U.S. Supreme Court Cites The Buckeye Institute's Brief in Upholding Ohio's Election Integrity Law

Columbus, OH -- Today, the Supreme Court of the United States upheld Ohio's authority to ensure that the votes of its citizens are not diluted by voter fraud in the court's **decision in *Husted v. A. Philip Randolph Institute***. The Buckeye Institute filed an **amicus brief** in the case on August 7, 2017, which was cited in the Supreme Court decision.

"We have a government of the people and by the people, and today the Supreme Court validated Ohio's process to assure that the peoples' voices are not drowned out by ineligible votes," said **Robert Alt**, president and chief executive officer at The Buckeye Institute.

"Today, Ohioans and all Americans won. And in citing The Buckeye Institute's brief, the Supreme Court recognized the interest of states like Ohio to be vigilant and to employ screening procedures to ensure accurate voting rolls."

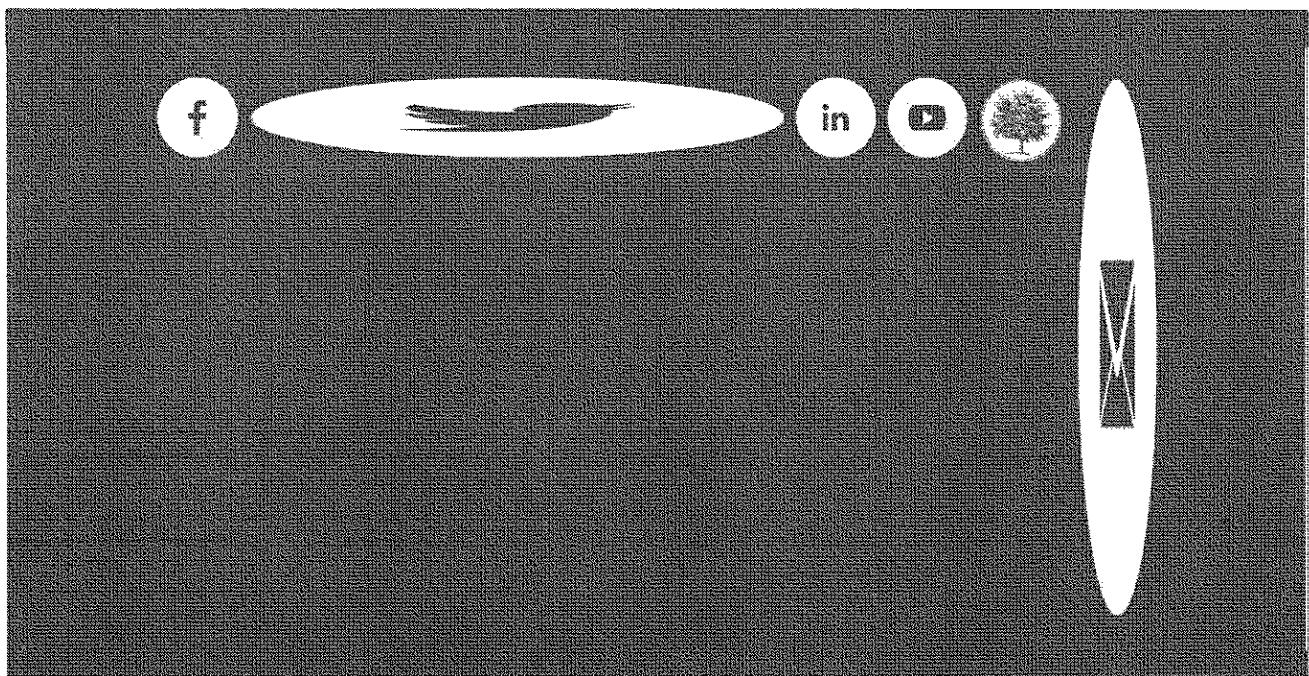
Ohio's case centered around the question of whether the state has the authority to maintain an accurate and up-to-date statewide database of registered voters. In its brief, Buckeye argued that the U.S. Constitution is clear in giving states authority over voter qualifications, and Ohio has a clear interest in making sure that only residents are able to vote in its

elections. To do so, the state's voter rolls must be as accurate as possible. The Supreme Court noted that Ohio's process for voter removal follows federal law "to the letter."

#

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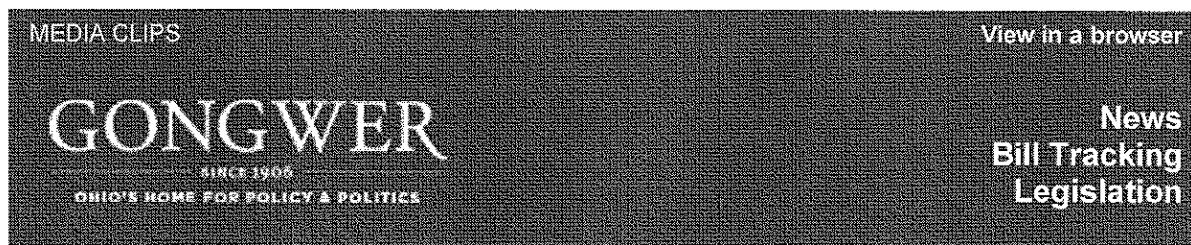
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To: Kasych, Shawn
Subject: Ohio Media Clips, Thursday, June 14



NEWS

Ex-Rep. Gabby Giffords speaks against gun violence in Ohio (Associated Press, 6/14/2018)

Ohio's top court hears arguments on promotions tax dispute (Associated Press, 6/14/2018)

Mike Pence will be met with dancing drag queens in Columbus (Cincinnati Enquirer, 6/14/2018)

Poll: Ohio voters want to send message to Trump (Cincinnati Enquirer, 6/14/2018)

This 2018 poll has lots to make Ohio GOP worry (Cincinnati Enquirer, 6/14/2018)

Businesses want loans to fix failing multi-employer pension system (Cleveland Plain Dealer, 6/14/2018)

Jim Renacci's Senate campaign is staffing up for November 2018 Ohio election (Cleveland Plain Dealer, 6/14/2018)

Ohio dark-money group broke campaign-finance rules, group claims
(Cleveland Plain Dealer, 6/14/2018)

Richard Cordray, Mike DeWine tied in latest poll. Sherrod Brown up big ... again. (Cleveland Plain Dealer, 6/14/2018)

Brown confident jobs safe at defense agencies in Whitehall (Columbus Dispatch, 6/14/2018)

Businesses warn of dire threat if multiemployer pension crisis is not addressed (Columbus Dispatch, 6/14/2018)

DeWine fights union plea for clothing allowance payments (Columbus Dispatch, 6/14/2018)

DeWine, Portman will share spotlight during Pence visit (Columbus Dispatch, 6/14/2018)

List of Ohio doctors approved to recommend medical marijuana grows (Columbus Dispatch, 6/14/2018)

Partnership to free up more money for Ohio suicide prevention programs (Columbus Dispatch, 6/14/2018)

Quinnipiac poll: DeWine-Cordray race too close to call (Columbus Dispatch, 6/14/2018)

Republican auditor candidate says opponent doesn't understand job (Columbus Dispatch, 6/14/2018)

Gov. John Kasich more popular with Democrats in Ohio than Republicans, poll says (Dayton Daily News, 6/14/2018)

New polls show Sherrod Brown up big over Jim Renacci in US Senate race (Dayton Daily News, 6/14/2018)

Who is Rep. Jim Jordan's favorite liberal? The answer might surprise you. (Dayton Daily News, 6/14/2018)

Sen. Sherrod Brown: Farm Bill might aid Lake Erie (Toledo Blade, 6/14/2018)

EDITORIALS

Beacon Journal/Ohio.com editorial board: Forward with public universities (Akron Beacon Journal, 6/14/2018)

Editorial: Expect to hear = 2voter purge' into November (Canton Repository, 6/14/2018)

Editorial: Voter registrations won't be canceled; Ohioans should use them (Columbus Dispatch, 6/14/2018)

Sutton: If DeWine opposes right-to-work he should say so (Youngstown Vindicator, 6/14/2018)

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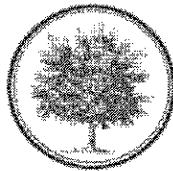
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From: The Buckeye Institute
Sent: Thursday, June 14, 2018 2:15 PM
To: Kasych, Shawn
Subject: The Buckeye Institute: Ohio Needs to Modernize its Medicaid Program



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
June 14, 2018

The Buckeye Institute: Ohio Needs to Modernize its Medicaid Program

Columbus, OH – The Buckeye Institute's Rea S. Hederman Jr., executive director of the Economic Research Center and vice president of policy, submitted public comments to the Centers for Medicare and Medicaid Services on Ohio's work requirement waiver application. These comments follow ones Hederman submitted to the Ohio Department of Medicaid on March 16, 2018.

"Ohio's community engagement waiver application is a good start at reforming the state's Medicaid program. It meets the federal government's test of budget neutrality and follows the guidelines on how to utilize waivers to fix our health insurance market," said Rea S. Hederman Jr., executive director of the **Economic Research Center** at The Buckeye Institute and vice president of policy. "The federal government has approved bolder waivers than Ohio's, which shows that the state needs to continue to modernize its Medicaid program to protect recipients and ensure the program's future sustainability."

As he did in his comments on Ohio's waiver application, Hederman pointed out that Medicaid was drastically changed under the Affordable Care Act, saying, "Encouraging healthy, able-bodied adults to remain in the workforce or engage in other educational and training activities, Ohio's proposed Section 1115 waiver will enhance lifetime earnings, income, and health. By enhancing the health of the covered Medicaid enrollees, Ohio's

proposed waiver meets the twin goals of the waiver demonstration project by promoting economic stability and improving health."

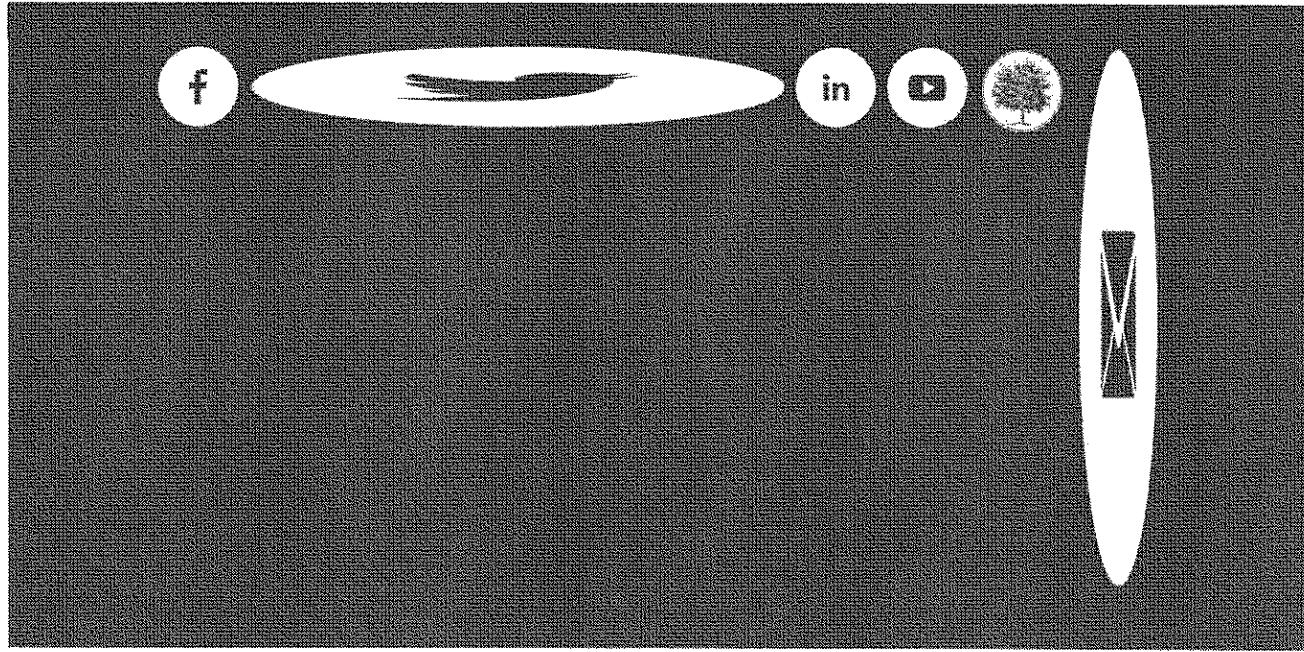
Hederman is a nationally recognized expert in health care policy. He was one of the first to propose using section 1332 waivers as a way to allow states to waive parts of the law and take back the ability to regulate their insurance markets. Hederman, and co-author Dennis G. Smith, outlined this approach in the report *Returning Health Care Power to the States*. More recently, in *Federal Efforts to Stabilize ACA Individual Markets through State Innovation*, a study for the **Mercatus Center** at George Mason University, Hederman and Doug Badger with the Galen Institute argue that Congress and the administration should empower states to devise new ways to make health insurance more affordable for more people.

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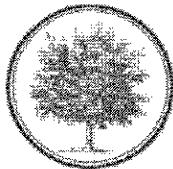
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From: The Buckeye Institute
Sent: Friday, June 15, 2018 10:37 AM
To: Kasych, Shawn
Subject: The Buckeye Institute: Ohio Shows Strong Signs of Recovery



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
June 15, 2018

The Buckeye Institute: Ohio Shows Strong Signs of Recovery

Columbus, OH -- Andrew J. Kidd, Ph.D., an economist with The Buckeye Institute's Economic Research Center, commented on newly released employment data from the **Ohio Department of Job and Family Services** ([Click here to download](#) the audio file).

"For five straight months, Ohio's labor market has continued to show strong signs of recovery from the Great Recession. Since October 2016, Ohio's unemployment rate has fallen or remained steady and was 4.3 percent in May 2018. Despite the national unemployment rate falling to 3.8 percent, Ohio's labor force participation rate (62.8) was slightly higher than the national rate (62.7), showing a strengthening labor force, which continues to see job seekers finding good paying jobs. All of this shows positive signs for Ohioans.

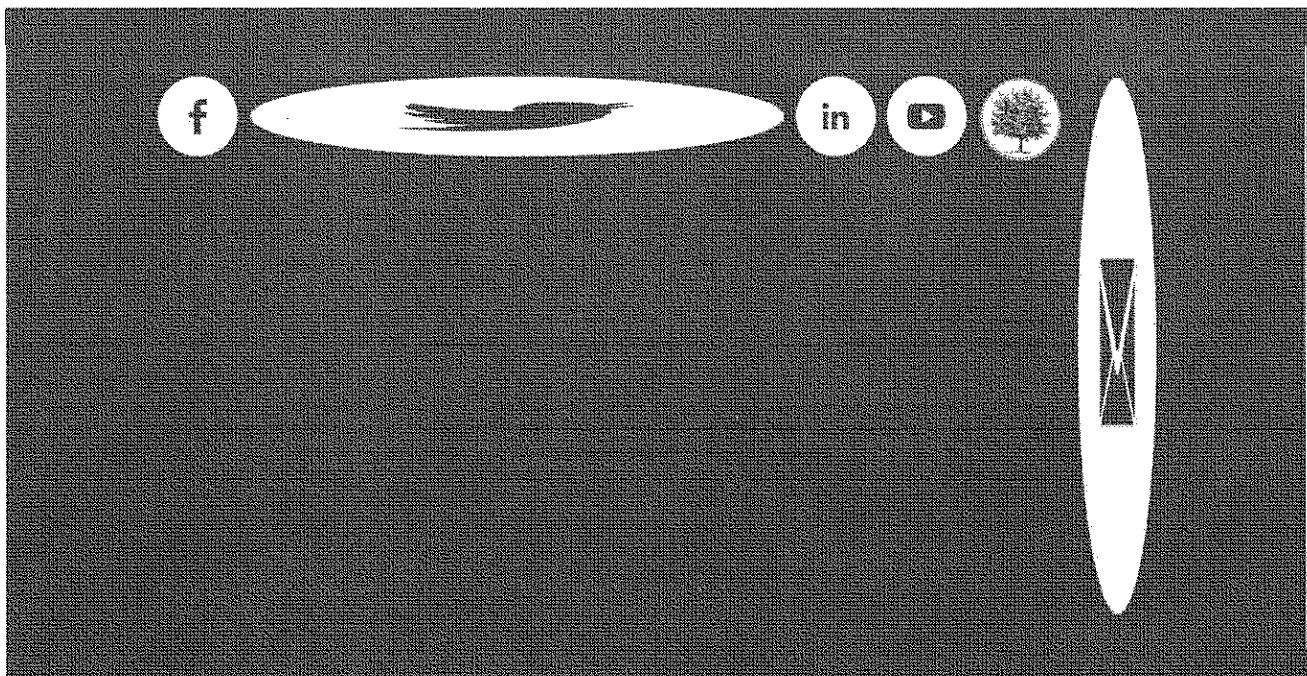
"With 20,100 new non-farm, private-sector jobs added this month, Ohio's workforce has added more than 58,000 jobs this year alone. While construction jobs were a large component of this growth (12,900 jobs), manufacturing had the least growth, and could be harmed further by the Trump Administration's recently implemented tariffs. These protectionist policies have shown to hurt local economies and Ohio's national lawmakers need to ensure Ohioans in these industries are not harmed by such isolationist policies.

"Governor Kasich's tax cuts and policies, combined with the recently implemented federal tax reform, have exhibited positive effects on Ohio's economy with a falling unemployment rate and strong job growth. These pro-growth policies, designed for both Ohio's workers and producers, will continue this trend and bring economic prosperity to the Buckeye State."

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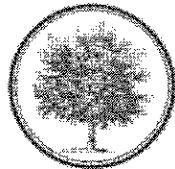
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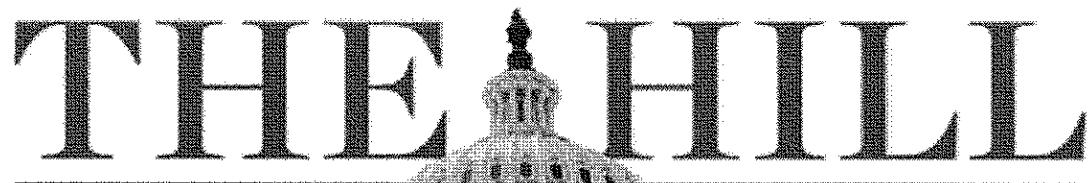
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From: The Buckeye Institute
Sent: Friday, June 15, 2018 1:02 PM
To: Kasych, Shawn
Subject: ICYMI: Rea Hederman Writes in The Hill about the Slow Pace of Change Coming out of Washington



THE BUCKEYE INSTITUTE

In *The Hill*, Buckeye's Rea S. Hederman Jr. looks at the slow pace of change coming out of Washington on health care reform, writing, "[The] administration is not ready to cooperate and work with the states to find innovative solutions to a problem that the states didn't create."



States must hold Trump to his word on working with them to solve ObamaCare

The Hill
By Rea S. Hederman Jr.
June 14, 2018

On the very day he was inaugurated, **President Trump issued his first executive order** directing all federal agencies to cooperate with and "provide greater flexibility to States" as they looked for ways to stop the premium pains of Obamacare. So far, 500 days later, that order has yet to be followed.

Sure, **Secretary of Health and Human Services Tom Price** and the **administrator of the Centers for Medicare and Medicaid Services Seema Verma** promptly called for innovative solutions and promised to work with states to numb the pain that Obamacare continues to inflict on health care markets. But actions always speak louder than words and, thus far at least, federal action has denied or delayed most of the state innovation waivers requested under Section 1332 of the Affordable Care Act.

Most recently, for example, HHS denied Ohio's waiver request to exempt Ohioans from Obamacare's individual mandate to buy health insurance. Ohio acknowledged that the penalty for violating the mandate will be \$0 in 2019, but it rightly worries that so long as the mandate remains the law the tax penalty could be reinstated. Ohio's application **followed the HHS blueprint** for innovation waivers, but HHS denied the state's request because it did not "describe the reason for the waiver request."

This most recent denial should concern every state for two reasons. First, because **Ohio did in fact give its reason for the waiver**, stating several times that it was needed because the individual mandate remained federal law even though new legislation had "zeroed out" the penalty. Perhaps the agency did not find Ohio's straightforward explanation "descriptive" enough. And second, because HHS took 45 days to deny Ohio's request on what amounts to a technicality after HHS failed to tell applicants that descriptive explanations must be submitted in precise ways in particular boxes on federal forms. Those 45 days for a pro-forma rejection letter are symptomatic of an agency that routinely takes the entire 225-day approval period to *deny* state applications.

Both concerns signal that despite the President's directive, his administration is not ready to cooperate and work with the states to find innovative solutions to a problem that the states didn't create. And both signal more of the same technocratic, bureaucratic thinking that we have come to expect from Washington -- and that's a shame.

Fortunately, there is still time for the Trump Administration to learn from nascent mistakes and for the states to hold the President to his word on working with them to solve the riddle of Obamacare.

Right now, states are reluctant to pitch their innovative reform ideas to Washington given how Washington has treated them. But assuming that HHS and the Treasury Department actually want to empower the states and will entertain the bold ideas, the administration can still take several steps in the right direction starting with rescinding or substantially revising the Obama-era guidance on Section 1332 waivers.

The Obama Administration's crabbed view of federal-state cooperation produced guidance that discourages states from pursuing meaningful reform under Section 1332. Rewriting that guidance with a more expansive view is long overdue. The Trump Administration's revised guidance should add flexibility to HHS's interpretation of Section 1332, and it should actually follow the plain text of the Affordable Care Act that specifically allows states to combine Medicaid and innovation waivers so that they can find more effective ways for citizens to get better health care coverage as they leave Medicaid. Short of this, Mr. Trump's HHS can and should at least layout more detailed model innovation waivers, similar to the **model reinsurance waiver** it provided, for states to follow.

Just hours after taking the oath of office, President Trump wrote a new prescription for state and federal officials to follow in the fight for health care reform. Unfortunately, more than a year later, that prescription remains unfilled by the President's own team, denying the country at least one source of medicine that it desperately needs.

*Rea S. Hederman Jr. is executive director of the Economic Research Center at The Buckeye Institute and vice president of policy. He is the co-author of *Returning Health Care Power to the States and Federal Efforts to Stabilize ACA Individual Markets through State Innovation*.*

#

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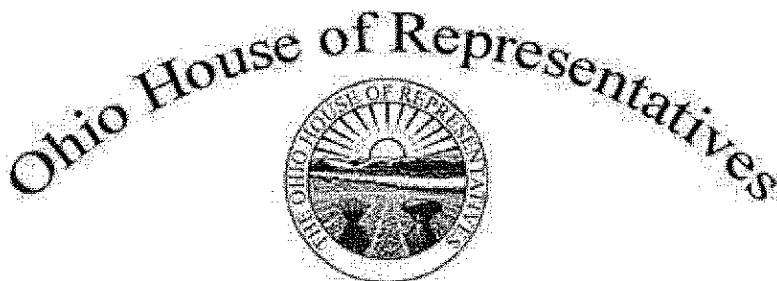
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From: Financial Institutions Housing & Urban Development Committee
Sent: Monday, June 18, 2018 9:37 AM
To: Financial Institutions Housing & Urban Development Committee
Subject: FIHUD Committee Announcement - *Revised*

AGENDA REVISIONS ARE IN RED



ANNOUNCEMENT OF COMMITTEE MEETING

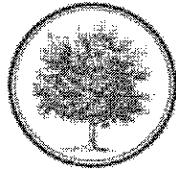
COMMITTEE: Financial Institutions, Housing, and Urban Development
CHAIR: Jonathan Dever
DATE: Tuesday June 19, 2018
TIME: 11:00 am
ROOM: 114

Agenda

<u>Bill</u>	<u>Sponsor</u>	<u>Title</u>	<u>Status</u>
H. B. No. 390	Rep. Merrin	Clarify computation of timelines for forcible entry and detainer	5th Hearing Poss. Vote Poss. Am. Prop/Opp/IP
H. B. No. 386	Rep. Henne, Rep. Kelly	Modify credit reporting agency fees for a credit report freeze	5th Hearing Poss. Vote Prop/Opp/IP

Please send a copy of any amendments and/or testimony and supporting documents to the **Chair's office no later than 11 AM on Monday, June 18, 2018**. Send all submissions to Melina.Tornero@ohiohouse.gov.

From: The Buckeye Institute
Sent: Tuesday, June 19, 2018 10:01 AM
To: Kasych, Shawn
Subject: The Buckeye Institute: Ohio Needs to Undertake Comprehensive Tax Reform, Not Pass New Taxes



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
June 19, 2018

The Buckeye Institute: Ohio Needs to Undertake Comprehensive Tax Reform, Not Pass New Taxes

Greg Lawson Submits Testimony to the Ohio House Ways and Means Committee

Columbus, OH -- The Buckeye Institute's Greg R. Lawson submitted written testimony (see full text below or [download a PDF](#)) to the Ohio House Ways and Means Committee on House Bill 571.

In his testimony, Lawson outlined the benefits of online travel companies (OTC) in providing "an online service that customers and hotel operators may use as they see fit to meet their own shopping and business needs." However, as Lawson noted, "House Bill 571 threatens to interfere with this free-market process by extending the reach of local lodging taxes to include the OTCs' service fees," which, Lawson noted, **courts in 39 cases in 23 states** ruled could not be taxed as hotel occupancy taxes.

Rather, Lawson encouraged Ohio undertake comprehensive tax reform writing, "As tempting as House Bill 571 may be for some revenue collectors, Ohio must be careful not to allow or encourage local governments to impose harmful new -- and in this case, illegal -- taxes apart from a more balanced and comprehensive tax reform effort."

#

Interested Party Testimony on House Bill 571
Submitted to the Ohio House Ways and Means Committee

Greg R. Lawson, Research Fellow
The Buckeye Institute
June 19, 2018

Chairman Schaffer, Vice Chair Scherer, Ranking Member Rogers, and members of the Committee, thank you for the opportunity to offer written comments today regarding House Bill 571.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

Online travel companies -- or OTCs -- such as **Hotel.com** and Expedia facilitate transactions for consumers looking to book hotel rooms online. These companies make it easier to find and secure lodging options by making those options available at a one-stop website location where consumers can search for the best deal and book a room, rather than scouring the internet for individual hotel rates and availability on individual hotel websites.

OTCs provide an online service that customers and hotel operators may use as they see fit to meet their own shopping and business needs. Nothing compels hotels to use OTCs, they choose to do so voluntarily because they believe that it will increase their exposure, reach more customers, and lead to more bookings. In short, they believe that it helps their business prosper and many smaller, non-chain hotels use OTCs precisely for this reason, because OTCs provide a critical service that boosts their room sales.

Unfortunately, House Bill 571 threatens to interfere with this free-market process by extending the reach of local lodging taxes to include the OTCs' service fees.

Typically, customers who book rooms through an OTC will pay the same amount for their room as customers who book directly through a hotel website. The actual room rates that hotels receive for bookings made through an OTC, however, are generally lower than what the hotel would receive on rooms booked directly. The OTC keeps the difference -- effectively charging the hotel a service fee for facilitating the booking.

Local governments assess sales and lodging taxes based upon the actual room rates that hotels receive, not the prices paid by customers. Consequently, local governments collect less total tax on rooms booked through an OTC than they would on the same rooms booked directly through the hotel. House Bill 571 would expand the local sales and lodging taxes to include an OTC's service fee.

It is not hard to understand that House Bill 571 could be attractive to local governments eager to collect more taxes, but the bill has at least one fatal flaw.

As proposed, House Bill 571 would assess a lodging tax on a service fee. Such taxes have already been held illegal in multiple cases across multiple jurisdictions. As the Legislative Service Commission has explained, the United States Court of Appeals for the Sixth Circuit -- with federal jurisdiction over Ohio -- has twice ruled that localities cannot impose lodging taxes on OTCs.^[1] Other courts have made similar rulings recently in Texas and Illinois,^[2] and as of early 2016, courts in 39 cases in 23 states had concluded that OTC services could not be taxed as hotel occupancy taxes.^[3]

Furthermore, House Bill 571 would also apply a sales tax to OTC service fees. The Buckeye Institute remains open to discussing sales taxes on services as part of a comprehensive tax reform that would include eliminating the state personal income tax,^[4] as well as other appropriate offsets that will make Ohio's tax system fairer, simpler, and more transparent.^[5] Merely taxing OTC service fees without other comprehensive tax reforms would be nothing more than a selective tax increase imposed on only one service industry, and it would threaten to hurt profits, sales, and jobs.

Ohio's taxes are already too high, with an average combined state and local tax rate standing at more than seven percent.^[6] Some Ohioans pay even higher combined rates in some communities where tax rates approach 10 percent^[7] -- a level one might expect in high-tax states like New York.^[8] High tax rates have real world consequences for workers, businesses, and states. As the Tax Foundation has demonstrated, people and jobs do in fact migrate from high-tax states to low-tax states -- and that migration will inevitably cost Ohio workers, businesses, and future economic opportunities.^[9] Simply adding new taxes on services will not lighten Ohio's already burdensome tax load.

As tempting as House Bill 571 may be for some revenue collectors, Ohio must be careful not to allow or encourage local governments to impose harmful new -- and in this case, illegal -- taxes apart from a more balanced and comprehensive tax reform effort.

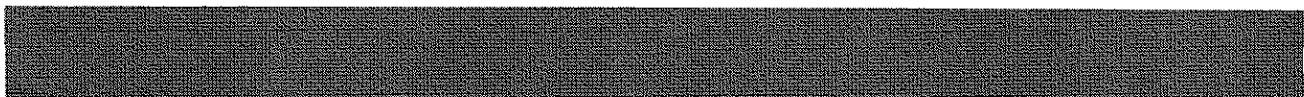
Thank you for the opportunity to submit this testimony.

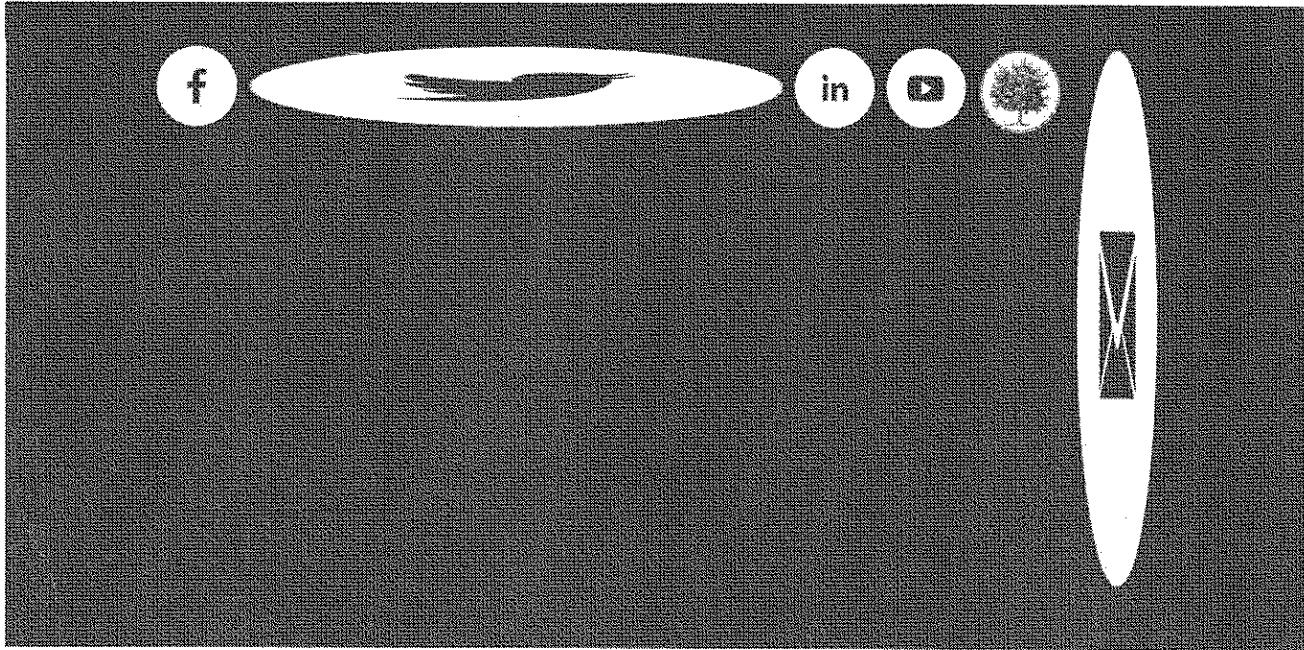
- [1] Mackenzie Damon, **House Bill 571 Bill Analysis**, Legislative Service Commission, 2018.
- [2] Paul Stinson, **Online Travel Companies Prevail in \$84 Million Texas Tax Dispute**, Bloomberg Bureau of National Affairs, November 30, 2017.
- [3] Joseph Bishop-Henchman, **Litigation Ongoing Against Online Travel Companies for Hotel Occupancy Taxes**, The Tax Foundation, February 17, 2016.
- [4] Greg R. Lawson, research fellow, The Buckeye Institute, **Testimony Before the Ohio House Ways and Means Committee**, March 15, 2015.
- [5] Rea Hederman Jr., Tom Lampman, Greg R. Lawson, and Joe Nichols, **Tax Reform Principles for Ohio**, The Buckeye Institute, February 2, 2015.
- [6] Jared Walczak and Scott Drenkard, **State and Local Tax Rates 2018**, The Tax Foundation, February 13, 2018.
- [7] Morgan Scarboro, Scott Drenkard, and Rea S. Hederman Jr., **Ohio Illustrated: A Visual Guide to Taxes and the Economy**, The Tax Foundation and The Buckeye Institute, June 2017.
- [8] *Ibid.*
- [9] **State to State Migration Data**, The Tax Foundation (Last visited June 14, 2018).

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